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The Washington Monthly

JULY/AUGUST
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by Michelle Cottle

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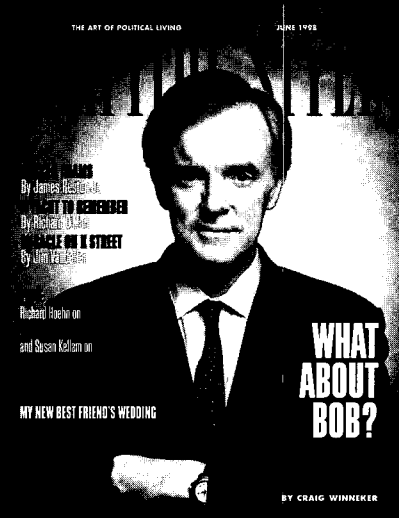

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Letters

Trim the Fat

Regarding Charlie Peters' complaints about the Washington, D.C., phone book ("Tilting at Windmills, June 1998): Just take a very sharp knife and cut off the business directory from the yellow pages, and you've got a manageable, light directory. Otherwise, as usual, he's right on target!

MIKE PERTSCHUK
via e-mail

Setting the Record Straight

It always irks me when I see inaccuracies in print, so I had to correct one assertion in the article on "Reforming the Teachers' Unions" by Robert Worth (April 1998). I have visited and met with Saturn workers and officials twice and read their contract. The third paragraph of Mr. Worth's article states that the Saturn " 'Risk and Reward' program ... provides incentives for workers who do well and sanctions for those who don't." In reality, the program has the opposite approach. When the company exceeds its expectations everyone from the assembly line to the CEO gets a percentage reward. When it fails to meet expectations, everyone loses. At no time does one employee get a reward and another get sanctioned. The Risk and Reward program does not differentiate among employees, but makes clear that everyone is dependent upon their colleagues and teamwork to succeed. The manner in which Mr. Worth depicts the system very much violates the Saturn creed, and I thought it important that he be corrected.

BARBARA STEIN
via e-mail

Some Merit

Your articles on education reform ("Reforming the Teachers' Unions," April 1998 and "A Vital Compromise," May 1998) are correct in asserting that teachers' unions need to be pressured to compete and improve results. Robert Worth is wide of the mark, however, in saying that merit pay plans are all hopeless: "Education critics on the left and the right agree that they've been a failure." Merit pay plans that provide financial bonuses only for those schools that demonstrate objective improvements in empirically measurable student performance are the best hope — they reward whole schools and so encourage cooperation and esprit de corps, and are not divisive like subjective merit pay plans of the past. Objective measures of outcomes include improvements in dropout and truancy rates, student scores on statewide standards tests, and increases in students taking Advanced Placement (AP) tests and the number of students passing AP exams. States should make a large chunk of education aid contingent on improvements over the last year's results. This way, only continuous quality improvement is financially rewarded. This strategy will fix accountability without the divisiveness inevitable with the politically difficult voucher proposals advocated by Richard Whitmire. Make the schools compete against their own performance of the year before.

THOMAS O'BRIEN
DIRECTOR OF RESEARCH
Horizon Institute for Policy Solutions

Spread the Wealth

Pardon my naiveté as a nonparent, but it seems to me that there's a major point not discussed in May's excellent article by Richard Whitmire: funding inequity. That is, the districts with high property values tend to get more money for their schools than those with low. Thus, "23,000 families applying for 1,300 private-school" spaces.

Perhaps if schools got the same bucks-per-student, no matter where in the country they may be located, there wouldn't be quite as much of a problem. And perhaps there wouldn't be quite as much difficulty solving what problems there are.

ED STANLEY
via e-mail

A Dangerous Breach

As a subscriber, I am repeatedly disappointed when you endorse vouchers as the solution to problems in education. Do you remember the efforts our early leaders made for attaining separation of church and state? They remembered the problems in the old country where certain religions were favored with state funds and others discriminated against.

You seem to resent the Clintons sending Chelsea to a private school. What is wrong with that? They paid for it without weakening the public schools. Vouchers are a way to take much needed money from public schools thereby making them even

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worse, and helping those who can afford private school.

JANE SORROWS
Gaithersburg, MD

Beyond the Rhetoric

I commend Richard Whitmire for moving beyond simplistic, partisan proposals, recognizing that a limited, means-tested voucher program might indeed spell success for kids trapped in failing city schools. Evangelicals for Social Action, a group that for 20 years has called evangelical Christians to progressive stands on political and social issues, has come to many of the same conclusions as Mr. Whitmire on this issue. ESA is partnering with black and Latino church leadership in our Public Scholarship Initiative, calling for testing of voucher programs in failing urban school districts. As Mr. Whitmire points out, vital compromise between liberals and conservatives to test vouchers may be necessary to effectively educate poor children.

Far too many inner-city schools are in a disastrous state. As Mr. Whitmire points out, private schools through competition can challenge and even complement and improve failing public schools. Bishop George McKinney, a leader in one of America's largest black denominations, found this out first hand. McKinney pastors St. Stephen's Church of God in Christ in San Diego, a congregation of about 5,000. After making countless unsuccessful attempts at reform in the neighborhood school, St. Stephen's started its own school. This gave the local schools some competition for students. Now, the public school that serves Bishop McKinney's parishioners is far more effective, rising to meet the challenge that the church school provided, although there is still a waiting list to get into St. Stephen's.

The issue is not partisan allegiances and political factions, but the educational well-being of children. We need to look at the promising opportunities that vouchers can offer to families who lack the educational options available to the affluent. With them in mind, I quote Mr. Whitmire, "Let the public experiments begin."

THE REV. HAROLD DEAN TRULEAR
DIRECTOR
ESA's Public Scholarship Initiative

Cheats

In the May issue, Charles Peters recounts the anecdote of a West Virginia post office that scored well on a mailing test by figuring out which mail was part of the test. This is reminiscent of our experience with collection of recyclables — newspapers, cans, bottles. A nonprofit environmental group under contract with the city is supposed to pick them up weekly, at the same time as conventional garbage. But often the recyclables weren't picked up, and we repeatedly complained. Then we noticed that the problem had vanished. We were nonplussed to learn that our good service was because we had been placed on a "don't miss" list. Talk about missing the point!

The experience also demonstrates that sometimes government is better than the much ballyhooed private sector. Our conventional garbage is picked up by regular city workers. That service has been absolutely reliable and problem free.

NATHAN LANDAU
Berkeley, CA

Too Easy

Brilliant is a modest word for Charlie Peters' newest solution for one of the world's most vexing problems — campaign reform. Re Senator McCain and the FCC: "Who cares whether the FCC or Congress does it, as long as the right things gets done?" This kills all the birds with one stone. We eliminate Congress and just let the prez and the various bureaucracies pass all the rules. The prez seems to like this idea, he's doing it more and more. After all, no Congress, no need for funds, ergo, no need for messy campaign reform.

As for free time, at the rate the networks are losing viewers, pretty soon only some hard-core teenagers will be watching. Why bother? There are plenty of rules already. Get people to obey them.

PAUL ENGEL
via e-mail

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Tilting at Windmills

BY CHARLES PETERS

Supreme Procrastinators • Near Misses • Newt and Bibi
Rudy's Casino • Remembering Bobby

I SALUTE THE JOURNALISTS WHO saw the importance of the May vote on the Northern Ireland peace agreement and went to Ireland to cover it. They include Mary McGrory of *The Washington Post*, Maureen Dowd of *The New York Times*, and Gordon Peterson of "Inside Washington" and WUSA-TV. The victory for peace that the vote represented was wonderful news.

The agreement, of course, remains in danger from the extremists on both sides. Some of them are in America. Most of the IRA's funding came from Irish-Americans, and some of them remain bitterly opposed to the peace except on their terms. For example, John McDonough, who has a radio show in New York, says that Gerry Adams "is now on the payroll of the British government."

Peace between the Arabs and the Israelis is similarly threatened by Americans who support Netanyahu's effort to cripple the Oslo Accords and sabotage the Clinton administration's Mideast peace initiative. Recent polls show the majority of American Jews support Clinton's efforts. But there's a significant minority who don't. They are significant because they happen to be rich. Their contributions give them a large voice in AIPAC, the leading American Israeli lobby. Members of the AIPAC staff know that these contributions pay their salaries, so they tend to follow the wishes of the contributors against those of the rank and file.

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THE OTHER DAY A FRIEND TOLD me about a quote from the poet W. H. Auden that I had never heard. I liked it enough to pass it along: "Among those whom I like or admire, I can find no common denominator, but among those whom I love, I can: All of them make me laugh."

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SPEAKING OF NETANYAHU, WHY is Newt Gingrich supporting him? One has to suspect that the reason is not unrelated to the possibility of contributions from the same sources that support AIPAC. Interestingly enough, Gingrich's chief of staff, Arne Christenson, is a former legislative director for AIPAC.

I have been called the godfather of neoliberalism, but I think the title really belongs to Bobby.

What amazes me when I see Jews getting into bed with right-wing Republicans is that in my experience the most vicious anti-semites have come from the right.

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ROONE ARLEDGE, THE RECENTLY retired head of ABC News, was responsible for many innovations in television coverage. One he may regret is creating the first program — "This Week" — in which, in the words of *The Washington Post*'s Howard Kurtz, "the journalists — George Will, Sam Donaldson, Cokie Roberts — were as important as the power brokers they interviewed." Things only got worse in the 20 years that followed, as we grew accustomed to journalists for whom becoming a star is more important than doing reporting and for whom political leaders are the object of condescension or even contempt.

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ONE OF THE GREAT FEARS OF sports fans is that their team will be moved to another town. What happened to the Brooklyn Dodgers in the 1950s, to the Cleveland Browns in the 1990s, and to many other cities in the years between could happen to them. Owners exploit this fear by demanding that cities fork over the money to build expensive stadiums, the revenues from which go to line the owners' pockets. The people of Green Bay, Wis., are exempt from this worry. Why? Because they own the team. So the National Football League now has a rule forbidding community ownership of any other team. The good news is that Rep. Earl Blumenauer of Oregon has introduced a bill to eliminate the rule.

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JUNE WAS THE 30TH ANNIVERSARY of Robert Kennedy's death. The resulting articles and television shows brought back many memories. When I first met him in early April 1960, I disliked him. For the most part, he seemed shallow and arrogant. But one trait impressed me mightily. When he saw what had to be done, he did it. Five of us West Virginians were invited to Hickory Hill to discuss

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the problems we faced in the coming primary. It was clear that number one was anti-Catholicism. The state was 96 percent Protestant and his brother John was running behind in the polls by the daunting margin of 60-40.

We told Bob that the only way that we could see to counter the anti-Catholicism was to invoke the blessing of the man who was God to most West Virginians, Franklin Roosevelt. We had to find some way of getting across the message that FDR would have thought it was OK to vote for a Catholic. After listening to us for a few minutes Bobby got up from his chair, went to another room, and placed a call to Franklin D. Roosevelt Jr., who had been a friend of John Kennedy's when they served in Congress together. FDR Jr. agreed to campaign for us in West Virginia, and had exactly the effect we hoped for.

We also told Bobby that West Virginians were very patriotic, with an incredibly high percentage of WWII veterans and widows of those who had given their lives in the war. JFK's heroism in the South Pacific might provide another excuse for voting for a Catholic. Bobby arranged to get reprints of the John Hersey article about PT-109, of which we distributed 40,000 in just my county.

Later that year, Harris Wofford recommended that the Kennedys come to the aid of Martin Luther King, who had been jailed in Georgia. Bobby responded immediately with a call to the judge while Jack was calling the King family. Most of us think these gestures to black Americans were essential to the 100,000 margin of victory that November.

Just two years later during the Cuban missile crisis, Bobby showed the same gift for the crucial act when he secretly went to Soviet ambassador Anatoly Dobrynin to assure him that we would pull our missiles out of Turkey. This gave Khruschev the quid pro quo he needed to remove his missiles from Cuba.

I have been called the godfather of neoliberalism, but I think the title really belongs to Bobby. From his attack on corrupt labor unions in the 1950s to his attack on the privileged white students who were evading the draft in the late 1960s and letting poor blacks do the dying in Vietnam, he anticipated much of the neo of this magazine. As for our liberal heart, what could have better expressed it than his answer to a group of medical students who asked him who was going to pay for the national health program he was advocating: "You are."

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A POWERFUL FACTOR IN THE atmosphere of sanity surrounding the vote in Northern Ireland was the absence of inflammatory television commercials. As Richard Berke points out in *The New York Times*, there were no "grisly photographs" of victims of terrorism to inflame either side or any of the loaded visual images that use the power of television to distort the truth. Why don't we learn from this example and ban these manufactured commercials in America? Remember, freedom of speech would still mean each candidate would be free to say what he wants to say. He just wouldn't be able to employ the artifice of Madison Avenue to improve his image and discredit his opponents.

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CAN YOU BELIEVE RUDOLPH Giuliani wants to turn Governors Island into a resort with a gambling casino as its main attraction?

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YOU MAY HAVE NOTICED THAT the federal judiciary that tilted liberal from the 1940s through the 1960s has since become increasingly conservative as a result of 20 years of court appointments by the Nixon, Ford, Reagan, and Bush administrations compared to nine and-a-half years of judges named by Carter and Clinton. The balance has been made even worse by foot-dragging and blackmail by the Senate Republicans during the confirmation process.

Now it develops that conservatism in the court enjoys other encouragement. According to *The Washington Post*, an outfit called the Foundation for Research on Economics and the Environment (FREE) is bankrolled by the right-wing Koch family, the Carthage Foundation funded by Richard Mellon Scaife, and other conservative foundations including ones funded by Amoco and Shell. It sponsors seminars that have involved as many as a third of all federal judges. In 1996 alone, 109 took part in FREE seminars. The seminars, according to a FREE brochure, explain the "importance of secure property rights and the market process in the efficient and sensitive use of natural resources."

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I'M PROBABLY WRITING SO MUCH about foreign policy in this issue because I feel guilty about not having written anything about the expansion of NATO, which has been endorsed by the U.S. Senate. It seemed to me that its main support came from the American arms industry, which wanted new customers, and from politicians with Czech, Hungarian, and Polish constituents. The danger is that NATO expansion will strengthen members of the Russian right who could still come to power and make life more difficult for us. We may get by with adding the three countries, but further expansion of say, the Baltic republics should be a definite no-no.

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I KNOW MANY OF YOU HAVE already read Don DeLillo's *Underworld*, but I only got to it last week and was of course transfixed by DeLillo's account of the last game of the 1951 playoffs between the Dodgers and the Giants. For me as

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for so many others who were there or saw it on television or heard it on the radio, it was the event of our lives that proved miracles could happen. *The Washington Monthly* would not exist today if the memory of that day in 1951 had not reassured me in the magazine's darkest moments — of which there were more than a few financially — that we would somehow win out.

(If you aren't a baseball fan who borders on lunacy in his fascination with the intricacies of the game, you should skip the rest of this item.) I had been a Giants fan since their great come-from-behind had begun in August. I watched part of the final playoff game on TV, but had become discouraged and went home after the Giants failed to score in the bottom of the eighth. When I got there, I found myself still hoping so I turned on the radio in time to hear the bottom of the ninth.

Heroes don't have to be perfect.

The Giants rallied. A run scored, they had runners on second and third. Now as a Giants fan I began to fear what a smart Dodgers manager would do to thwart us. Bobby Thomson was coming up. Ralph Branca was the pitcher. In the vernacular of the sports pages of the era, Thomson owned Branca. I thought, Why don't they walk Thomson and pitch to Willie Mays? This would have been an unusual strategy, but let me explain why I think it would have worked. In light of Mays' subsequent status as an immortal, you would be shocked to learn that he was not as good a hitter as Thomson at that time. In fact, he was a rookie and his average was around .270. And there was a Dodgers pitcher named, I think this is right, Billy Loes, who owned Mays. If Mays had gotten a single hit off him during the season, I wasn't aware of it. I feared the Dodgers manager would walk Thomson and bring in Loes to pitch to Mays. Fortunately, he left Branca in and had him pitch to Thomson with the result that's now famous.

On Mays' behalf, I should state that it was in an August game at the Polo Grounds that he broke the spirit of the Dodgers. They may have been 13 games ahead, but Mays caught a fly on the run in fairly deep center, wheeled, and threw a strike to the plate that caught a Dodgers runner tagging up and trying to score from third — which the uninitiated should know was supposed to be easy on a ball hit that deep. You could feel the Dodgers' despair as this was a very bad omen — a sign that the tide was turning against them, that God was not on their side.

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THE GOOD NEWS IS THAT WEST Virginia's welfare rolls dropped by 6,972 cases between January and March of this year. The bad news is that only 1,543 cases were closed because the recipient had found a job.

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MY FIRST EXPERIENCE WITH A legislature was as a page for West Virginia's when I was 16. What amazed me the most was the way half the work was put off until the last week of the session. Later on as a staffer and a member I saw the same procrastination.

It seems that the United States Supreme Court has a similar problem. Of the 90 or so cases on which it will have issued opinions by the end of June, only 57 had been decided by the end of May.

The resulting backlog may have helped nudge the justices toward a vote that would have seemed unlikely for a Republican court, namely to help Bill Clinton by rejecting Ken Starr's motion for a fast track consideration of the privilege cases. The justices already had travel and teaching plans for the summer so that if they didn't have time for the case in June, they weren't going to agree to hear it in July, August, or September.

Vacation plans may also help Clinton avoid impeachment hearings before the election. During the same three months, the Senate will be in recess for 38 days and the House for 42.

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THE NEXT TIME YOU'RE FLYING into New York, try to forget what, according to *The Washington Post*'s Don Phillips, the air traffic control supervisor had to say about his failure to report the 20-foot near miss between two US Airways and Air Canada passenger jets: "They're all ugly." Hmmmm.

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A FEW YEARS AGO, DISTRICT Cablevision, the local cable company, announced with great fanfare that its customers were going to be offered four pay-per-view channels that would provide them with all sorts of features including the best new movies before they were shown on HBO or Showtime. I signed up even though a higher fee was required.

But the number of channels kept decreasing as the proportion of dirty movies, most of which were artistic disasters, increased. By the spring of this year we were down to one channel that was so dominated by sex films that all but the most depraved viewers had to be bored. Of course the high fees remained in force.

Now the company is offering some more pay-per-view channels. But guess what? There is a still higher fee.

I hope your cable company is better. The local company seems like another failure of deregulation, as does the local phone company, Bell Atlantic, whose sins I described last month. I forgot to tell you that one day, desperate to get my phone repaired, I spotted a Bell Atlantic truck parked on a

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street as I was driving home. I rang the doorbell of the house in front of which it was parked, and explained my plight to the homeowner, who was kind enough to permit me to enter and speak to the repairman. Despite my entreaties, he explained that he was too busy with other service calls to get to my home. I asked what had gone wrong. The phone company used to be so good. He explained that Bell Atlantic had permitted too many skilled repairmen to retire without replacing them. A few weeks later what he told me was confirmed by Terry Pristin of *The New York Times*. Bell Atlantic had gone too far with downsizing, losing more than 11,000 new service workers.

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IF YOU DOUBT THAT THE RICH are getting richer, consider the experience of Evan Goldenberg, who "has built a prosperous business out of installing wine cellars," according to *The New York Times*. In the past five years, the *Times* adds, he has built almost 100 wine cellars, at $50,000 to $150,000 apiece.

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IF YOU RECALL DAVID BOSSIE'S lengthy record as an enemy of Bill Clinton's, you may be troubled by the fact that such reporters as NBC's Lisa Myers or *The Washington Post's* Susan Schmidt reported the Hubbell transcript Bossie had edited and leaked without giving their readers the slightest clue that their source was biased.

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SPEAKING OF WHICH, THE ACTOR Warren Beatty recently told *The Washington Post* what he considered "to be the mission of the Democratic Party — which is opposition to the rich." This is, of course, an oversimplification, but most of the time it is a pretty good guide, a guide I wish my fellow journalists would follow a lot more. That brilliant and cantankerous original, Michael Thomas, whose work you can find in the *New York Observer*, wrote me the other day: "I think the greatest, most appalling development of my lifetime has been the shift in the social position of journalists, who now dine regularly with people they should be regularly dining on."

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MOST OF THE IRS HORROR STOries that have been reported recently ring true and must be corrected. But, as we have tried to point out, if there are IRS bad guys there are also taxpayer bad guys and they too must be identified and required to pay their fair share instead of being allowed to stick the rest of us with the bill. But those bad guys, thanks to budget-cutting Republican enemies of the IRS in Congress, are much more likely to get away with it than they used to be. According to *The Washington Post*, "The IRS now audits just over 1 percent of all taxpayers, less than half the audit rate of 20 years ago."

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PIG MANURE IS NOT A SUBJECT to which I could be said to have devoted excessive attention. But a recent column of my friend, Molly Ivins, tells me it's something to worry about. "According to a Senate study, a single 50,000 acre hog farm now being built in Utah could produce more sewage than the city of Los Angeles," Molly reports, adding, "except that there aren't any treatment plants on hog farms."

Ground water in 17 states has been contaminated by feedlot manure. The handful of animals on the typical small farm is not a problem, but when a vast number of pigs or chickens or herds of cattle are concentrated in one place, the results can overwhelm the water supply. We treat much of our human waste but have no nationwide standards for animal waste, which, according to a report by Sen. Tom Harkin, is 130 times the amount of human waste. Harkin has introduced a bill to provide for regulation of manure treatment. This is another example of the point made by Robert Worth in this issue, that often what we need is not the deregulation the Republicans always advocate but tougher, smarter regulation that effectively protects the public.

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"POLITICAL LEADERS AREN'T Heroes to Youngsters Anymore," reads a recent headline in *The Wall Street Journal*. This is a shame, because there are still some admirable figures in public life. Take Abner Mikva, whose book review appears on page 40 of this issue. He has had a distinguished career as a federal judge, congressman, and White House counsel. Read the review and you'll see that he has a first-rate mind. Dale Bumpers displayed similar intellectual distinction in his article in our January/February issue on how the gold and silver mining companies are ripping off the American taxpayer. More important, he has been an outstanding senator for more than two decades.

Heroes don't have to be perfect. We can honor the good they have done without blinding ourselves to the bad. John Kennedy was stupid about Judith Exner and the Bay of Pigs but brilliant and courageous in saving the world from nuclear war during the Cuban missile crisis. George Mitchell should never have sunk to lobbying for the tobacco companies but he did a monumental good deed in Northern Ireland. During the 1930s FDR should have given sanctuary to many more Jews fleeing from Hitler than he did, but ultimately he was to lead the coalition that destroyed Hitler. Bob Kennedy could be a jerk but he ended up mostly wonderful. To me they all — Abner Mikva, Dale Bumpers, John Kennedy, George Mitchell, Franklin Roosevelt, and Bobby Kennedy — are heroes.

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A Deadly Mix

Drinking, driving, and lawyers on the information superhighway

By Bill Adler Jr.

Internet pornography. Hate groups. Instructions for building bombs. Fraudulent money-making schemes. These are some of the abuses of the Internet. But one of the most outrageous — even frightening — abuses of the medium is by lawyers who advertise their ability to get drunk drivers off the hook.

I'm not talking about attorneys' defending people merely accused of drunk driving, but lawyers who brag about their ability to win not-guilty verdicts for even the most assuredly guilty drivers with high blood alcohol levels. Now, I'm sure some of you are thinking: "Everybody has a right to a fair trial, and there are probably a lot of people accused of DUI who aren't really guilty. So what's the harm of lawyers defending people accused of drunk driving?" Fundamentally, there's nothing wrong with it. It's vital that everyone have the best legal representation possible. But this new breed of online advertisement implies — and in many cases states outright — that it doesn't matter if you drive drunk, because these legal eagles can bail you out. In short, they are promoting the notion that it's okay to drive as drunk as you want.

Think I'm exaggerating? I'll let the lawyers words speak for themselves. Here are excerpts from actual web sites. One lawyer from San Diego boasts, "You need an aggressive attorney to keep you out of jail and who has experience in hundreds of DUI & DMV matters like yours!" His site then lists the blood alcohol content of the clients for whom he's had legal victories:

Client	BAC%	Type of Test
Backesto	.15-.16	Blood+Breath/ Under 21/Accident
Bonas	.15	Breath
Briggs	.16	Breath
Callaway	.09	Blood
Caster	.17	Blood
Costa	.13	Breath

To put these numbers in context, if your blood alcohol level is above .10, you are legally drunk in all states. In some states the limit is .08. But don't worry, because this lawyer insists he can successfully defend you even if your blood alcohol level is .17.

Another lawyer publishes an online newsletter for people arrested for drunk driving. Here's his pitch:

> You have just been arrested and charged with a crime. Since one of the charges is DUI, you probably spent a few hours in jail before they released you with a ticket ordering you to appear in court, or you may have posted bail. ... Don't be cheated by anyone in the process, especially yourself. Legal representation will prepare you for success in the court and DMV processes.

Yet another lawyer, billing himself as a "Top Gun DUI Defense Attorney," brags:

> We have over 40 years combined experience successfully representing doctors, lawyers, professional athletes, business people, and others accused of DUI. Some of our recent successes include our client who was arrested for DUI and blew .28. Another client was arrested for his 3rd DUI and blew a .16. Another client was arrested for DUI after an accident and blew a .16. Another client was arrested for DUI after an accident with injuries and measured a .11 blood. Another client was arrested for his 2nd DUI and blew a .10. Still another client was arrested for her 2nd DUI and blew a .12. Five of these six clients had their license suspension/revoca-

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tion set aside by the DMV. The bottom line is that we successfully represent many of our clients charged with DUI!

When should you challenge a DUI arrest? According to a Colorado lawyer, when "you don't think it's fair." (When does a defendant ever think an arrest is "fair"?) This lawyer goes on to say, "I know you're fearful about what could happen to you, but I'd like you to know that there are at least 20 different challenges that can be made to the charges you are facing. ... My practice is based on the belief that you were arrested when you shouldn't have been."

Still another attorney crows:

> Where jury trials are available, success rates for acquittal are surprisingly good. ... The formula for success is to investigate exhaustively; conduct pretrial discovery and motion practice aggressively; use evidentiary maneuvers and procedural devices skillfully; and present a well-conceived, thoroughly choreographed trial with expert witnesses, character witnesses, and other tried-and-true tactics for successful defense of criminal cases.

On one particularly "helpful" site, two lawyers hawk their book, *101 Ways to Avoid a Drunk Driving Conviction*, promising to reveal "the secrets that prosecutors, judges, and other special interest groups don't want you to know." These lawyers give advice on how to drive while intoxicated and reduce your chances of ever getting caught: "'Blend in' with traffic because studies have shown that it is significantly more difficult for police to detect an impaired driver than when your car is isolated on the highway." In their book you also learn that:

> Requiring strict proof of the testing officer's certification can often lead to a dismissal or a favorable "plea bargain" where some flaw or defect in the proof of current certification is called into question. By asking the officer whether you can make telephone calls to an attorney or family member prior to submitting the official BAC tests, you may be taking advantage of legally permissible delays that will make your BAC tests more favorable.

Indeed, tips on how to avoid being arrested for drunk driving are part of many lawyers' web sites, all in the name of good advertising. One Georgia attorney writes, "Don't tempt fate. Before leaving a bar parking lot, check to see if there are any cops in the area. If so, wait until the cops follow another person from the lot, and then leave."

What about suggesting that drivers simply abstain from driving after drinking? No. Instead the advice focuses on not getting caught. There's even a "Drunk Driving Defense Network" and "National College for Drunk Driving Defense" on the Internet. The National College site, designed for lawyers, also teaches habitual drunk drivers how to avoid being stopped for DUI. Some lawyers place the blame for drunk driving on the government. One attorney writes, "The crime of drunk driving occurs only when the person's blood-alcohol level has exceeded the arbitrary numerical standard set by the state."

On one site, two lawyers hawk their book, *101 Ways to Avoid a Drunk Driving Conviction*, promising to reveal "the secrets that prosecutors, judges, and other special interest groups don't want you to know."

It's not surprising that lawyers aggressively pursue drunk driving clients. Each year, nearly 2 million drivers are charged with driving under the influence, making drunk driving the single most common criminal offense in the country. That's a lot of potential business. "Call now for a free consultation," urges one Florida lawyer.

More than just "smart business," however, this kind of advertising makes it easier for drivers to believe, "Well, if I'm caught driving drunk, a good lawyer can get me off." Bottom line: These lawyers are encouraging people to drive drunk.

There's something terribly wrong here. Each year more than 17,000 people are killed by drunk drivers, and hundreds of thousands more are injured. Drunk drivers cause 41 percent of all fatal crashes. Ethically, there's no difference between lawyers soliciting to get drunk drivers off the hook and advertising along the lines of: "Accused of Murder? Call John Q. Smith, attorney. We have a 75 percent acquittal rate!" Drunk driving is something society should be working together to stop. Lawyers shouldn't be promoting ways to get offenders off the hook just to make an easy buck.

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Why Deregulation Has Gone Too Far

Toxic drugs, tainted meat, exploding airplanes, and other dangers of unfettered capitalism

BY ROBERT WORTH

TWENTY YEARS AGO THIS SPRING, the Senate voted to abolish the Civil Aeronautics Board. Where the government had maintained an elaborate and often unwieldy scaffolding of routes and fares, the free market now came crashing in like a mighty river. Within a few years the flood would carry a host of other regulated industries, including telephones, trucking, and banking, along with it. The Age of Deregulation had begun.

At first, liberals went with the flow, or even helped stir it up. "Regulators all too often encourage or approve unreasonably high prices, inadequate service, and anticompetitive behavior. The cost of this regulation is always passed on to the consumer. And the cost is astronomical." Thus Sen. Ted Kennedy on the first day of the hearings that were to lead to the abolition of the CAB. But before long, the movement had gathered a fatal momentum, losing its roots in the consumer movement. Deregulation became an article of faith, "espoused more or less automatically, even unthinkingly, by a wide range of officeholders and their critics," wrote Martha Derthick and Paul Quirk in their classic study *The Politics of Deregulation.*

Twenty years later, liberals have plenty of reason to regret the notion that the way to fix regulations is by scrapping them. Deregulation has definitely made the wheels of the economy spin faster. But the competition it has brought has often been unfair and destructive, and the alleged price cuts often haven't trickled down to the average American.

Take airline deregulation. Sure, the CAB was a clumsy bureaucracy, notorious for its "procedural spaghetti" and the bizarre "kabuki dance" hearings where it decided who could fly where, and for how much. By 1976 even the Board's officers were in favor of some kind of decontrol. But airports aren't like restaurants; you can't just round up some friends, buy a little property, and set up shop. Big carriers control access to airport gates, arrival and departure slots, and even to computer booking systems. A few years after the abolition of the CAB, the major airlines were muscling the little guys out of the sky. And that wasn't so good for customers. Long-distance fares dropped, but smaller communities often got fewer flights for higher prices. Today, the same thing is true. According to the Transportation Department, which is considering punitive action, the big airlines' bullying practices "can hurt consumers in the long run by depriving them of the benefits of competition," and leave "much of the demand for low-fare service in many local hub markets unserved."

It could get even worse. On April 3, a passenger on a US Airways jet landing at New York's LaGuardia airport looked out his window and saw another plane coming straight at him. He screamed as the pilot pulled up in an evasive maneuver, avoiding a head-on collision by a mere 20 feet. Panicked traffic controllers breathed a sigh of relief. But they were so busy that the incident didn't even get reported until two months later. Why? Part of the answer is that deregulation has led to a 50 percent increase in air traffic since 1981, with proportionately far fewer controllers and less supervision. In-flight gaffes like the one at LaGuardia are up 19 percent this year, and ground errors are up 49 percent.

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"What's gotten left out is somebody still has to manage the system," says MIT economist Lester Thurow. And like it or not, the best way to do that is with tougher, smarter regulation.

Market Failure

"I strongly oppose regulation," said Sen. John McCain at a hearing in February, "but I don't oppose regulation as much as I oppose unregulated monopolies." He was talking about cable TV, where deregulation was supposed to bring competition from satellite companies to the old cable monopolies. Instead, they've been banding together — witness the recent merger announcement of American Sky Broadcasting, a major satellite company, with Primestar, a cable group. "That's bad for competition and bad for consumers," said Joel Klein, the Justice Department's top antitrust enforcer. It's also one of the reasons cable prices have been rising at five times the rate of inflation.

McCain and Klein could have been talking about any one of a number of deregulated industries. On May 19 members of the Senate's antitrust subcommittee asked Ed Whittaker, CEO of the telecom giant SBC, why his company was proposing to merge with its potential competitor Ameritech, reducing the number of Bell operating companies to four from an original seven. Whittaker insisted that there was no need to worry; the 1996 Telecom Act was working its magic and competition would soon arrive. Then he said he foresaw a mere handful of companies dominating the global phone market, including just *one* of the current Bell operating companies. He didn't need to add that he wanted to be that one company.

Conservatives often counter that the Justice Department is quite capable of enforcing the antitrust laws — witness, for instance, Joel Klein's decision in May to block the American Sky/Primestar merger. They often add that Justice would do an even better job if only the regulators would step further out of the way. Take the current railroad slowdown in the South, where nine men have died and billions of dollars have been lost in what's being called the worst rail meltdown in U.S. history. That mess is a direct result of the 1996 merger of the Union Pacific and Southern Pacific railroads — a merger the Justice Department *wanted* to block, but couldn't, because the Surface Transportation Board, a regulatory agency, has jurisdiction over the rails. "One mistake we made with deregulation," says Cliff Winston of the Brookings Institution, "is that we've left a specific regulatory body to handle antitrust issues, instead of just saying 'now you're subject to the Justice Department.'"

Defenders of telecom deregulation say the same thing. "[F]or decades, the FCC has legitimized telecom practices that antitrust courts would never have tolerated in its absence," writes Peter Huber of the Manhattan Institute. The remedy, he adds, is to abolish the FCC and hand over the reins to Joel Klein and his trusty knights.

As it happens, the *Monthly* made a very similar case back in 1969, when liberal skepticism of the regulatory bureaucracy was at an all-time high. But the past 30 years have made it clear that antitrust law can't substitute for regulation. For one thing, there's a practical limit to what Klein and his fellow trust-busters can do. Their division is working at historic levels and facing a virtual avalanche of cases. Meanwhile, the number of lawyers on staff has declined from 456 in 1980 to 343 today.

Besides, anyone who still thinks the Justice Department can stand in for an entire regulatory bureaucracy has obviously forgotten all about Charles Keating. It was Keating, after all, who recognized that after the passage of the Garn St.-Germain Act of 1982, which deregulated the savings and loan industry, there was no one to stop him from taking over an S&L, lending out its taxpayer-insured deposits, and gambling them away with his friend Michael Milken the junk-bond king. In the end Keating was caught. But most of his fellow con artists got off scot free, and collectively bilked U.S. taxpayers of $130 billion and counting.

Where was the Justice Department? Standing by, powerless to help. And if you think Congress won't get fooled again, think twice. On May 13 the House voted to abolish Glass-Steagall, the 60-year-old law that prevents banks from gambling away their federally insured deposits by getting into the securities and insurance businesses. Supporters of the measure claim it won't pose any danger, since new technologies and creeping deregulation by the Federal Reserve already allow banks to get around Glass-Steagall. But is that really a good thing? After all, Nationsbank has agreed to pay nearly $37 million in settlements and fines over the past few years for selling high-risk securities to customers — many of them senior citizens — who didn't understand what they were being sold. At the very least, Congress should make sure someone is watching before it frees banks to do all kinds of creative new things with our money.

Another unsettling consequence of deregulation has been the tendency of competition in newly opened markets to hurt those who can least afford it. In telecom, for instance, the demise of AT&T as a regulated monopoly has brought plenty of competi-

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tion, and lower rates, to the long-distance market. (It has also brought some of the downsides of competition; if you've ordered phone service lately, you've probably been "slammed" — billed by a phone company you never chose. Complaints about the practice rose 56 percent last year.) But at the local level deregulation has been a disaster, because the regional Bell companies have neither regulators nor real competitors to rein them in. As a result, service is both deteriorating and becoming more expensive.

The deregulation of electricity — the last of the regulated monopolies — poses similar threats to the average consumer. Federal Trade Commission Chairman Robert Pitovsky says the potential for savings with deregulation is "enormous." Maybe so — if you're a Nissan factory. As new power companies compete to sweeten the deal for high-volume business users, they'll be forced to make up the difference on the backs of residential ratepayers. "And transaction costs will go up," says Mark Cooper, research director of the Consumer Federation of America, as the centralized power grid gives way to a crazy quilt of private distributors.

Free-marketeers will counter that all these downsides are a small price to pay compared with regulation, which costs the economy far more every year than the S&L debacle ever did. "Federal regulations cost $1.3 trillion in economic output to be lost each year," according to the Heritage Foundation's voluminous website on the topic. "When a business devotes resources to adhering to regulatory mandates, it is using those resources less efficiently."

But that misses the point. Left to its own devices, the economy — no matter how large or small — always inflicts some unfairness on those who don't own a lot of stock. The purpose of regulation in areas like telecom, electricity, and banking was to defray the cost of service for ordinary people at the expense of the high-volume users —businesses, mostly — who could better afford it. These "cross-subsidies" may have distorted the economy a little, but they maintained a vital safety net for people who might otherwise have fallen through.

In the absence of many of these regulations, there's already plenty of evidence that lower-income people are losing out. The recent wave of banking mergers, for instance, has been hailed by brokers and economists alike — perhaps because most brokers and economists earn enough to profit from it. For those who don't, several recent studies by the Federal Reserve have shown that large interstate banks charge higher service fees than small banks do, and that they're much less likely to make loans to small businesses. Meanwhile, the number of bank branches in inner-city neighborhoods is declining — down 21 percent from 1975 to 1995, according to another Fed study.

The buyout frenzy that deregulation triggered has also eroded some of the other institutions that used to help define a sense of community for middle and lower-income people. In the two years since Congress eased ownership limits on radio stations, 4,000 have been sold, and more than half of big-city stations are in the hands of just five companies. The result has been a rising flood of bland pop songs dictated by big companies that don't want to take risks. So what? Not much, if you have a 2,000 CD collection of your favorite music. If you don't, you could be out of luck.

That doesn't mean we should call in the Quality of Life police on every merger that would close down a neighborhood deli or bookstore. It does mean we should think carefully about who benefits, and how, before we unleash the bulls and bears of the market on our everyday lives.

Poison Pills

Of course, there are plenty of silly or overburdensome regulations on the books. The Equal Employment Opportunity Commission has been after the Hooters restaurant chain for years because Hooters doesn't employ male waiters (if you don't know why, God bless you.) The EEOC is also pursuing Joe's Stone Crab restaurant in Miami for failing to hire enough women waiters, even though most of the restaurant's managers, and its owner, are women.

Yet too often gaffes like these become an excuse for cutting back on all government regulations, even in areas that ensure our health and safety. For years, Congressional Republicans have targeted the FDA as the country's "leading job killer," a mammoth bureaucracy that takes too long to approve drugs and places intolerable burdens on medical and pharmaceutical companies. Recently they got at least part of what they wanted with last fall's passage of the FDA Modernization Act. But before you accept their claims that this law merely "streamlined" the FDA drug approval process, consider the story of Mary Yount. Last year Mary was on vacation in Florida when she began to gasp for breath. "I felt like my heart was going to pump out of my chest," she says. After a number of tests, doctors found that her heart (which had been tested and found healthy only two years before) had been irreparably damaged by the combination of diet drugs her doctor had prescribed for her ten months earlier, now known as Fen-Phen.

The drugs were soon off the market, but not

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before causing serious heart valve damage to 285,000 Americans. Next time it could be much worse, because Congress's new FDA "modernization" allows drug and medical companies to do "off-label" marketing — promoting their products for unapproved purposes. "If this law had been passed before the Fen-Phen mess," says Mary, "the drug companies would have been advertising it to thousands of doctors." The Act also lowers the number of clinical investigations required to establish a drug or medical device's safety. And it allows medical device manufacturers to hire private for-profit firms to review the health and safety of their products — even when those "independent" reviewers are then offered jobs with the manufacturer. Dr. Arnold Relman, an emeritus professor at the Harvard Medical School, calls the Act "an invitation to disaster and chaos."

Perhaps worst of all, the law burdens the FDA with new responsibilities in the review process for drugs and medical devices without giving it the money to do the job, just as a spate of recent failures suggest that the agency is *already* incapable of handling its duties. Nick Valestrino found that out the hard way a few months ago when he went to the doctor for a routine injection of intravenous immune globulin, a drug that he and tens of thousands of other Americans depend on for their health. The drug was unavailable, because the FDA had failed to respond promptly to a shortage. Why? One reason, says a top FDA official, is that "[w]e've had a series of annual cuts for five straight years. He added that the new law will only make that worse. "Any time you've already got some measures of program failure, a new law saying 'Go do this, too' will have an impact. The whole agency is kind of stressed out."

If that doesn't scare you, think about what happens when the Department of Agriculture's meat and poultry inspection system fails. Just before Christmas 1992, Lauren Rudolph felt sick to her stomach after eating a hamburger for lunch. "Daddy, I'm going to die," she told her father, who soothed her and told her she'd be fine. But Lauren was right. After a week of unspeakable suffering, her tiny body seized up in a massive heart attack, her breathing stopping and her lips turning blue. Lauren was killed by a microbe known as E. coli O157:H57, which is found in ground beef and anything else that has come in contact with manure. (Vegetarians: that means fruits and vegetables.) Her death was the "index case" in an outbreak that caused 732 illnesses and ultimately killed four children, an outbreak that "might have been identified and stopped in San Diego, where it apparently began, if only California had a reporting requirement and encouraged testing," writes Nicols Fox, an expert on foodborne illness. The outbreak helped pressure Congress into adopting a stricter meat inspection system — a system that the National Academy of Sciences had been urgently recommending for eight years.

But even with the new system, USDA inspection is woefully inadequate. "Do not stop the line," wrote one supervisor last summer at a slaughterhouse where up to 50 percent of the carcasses were visibly smeared with feces, bile, or hair, "unless the contamination is dripping." It's not uncommon for inspectors to supervise 300 carcasses an hour — far too many to do a good job. And the number of inspectors is way down, from 12,000 20 years ago to 7,500 today. When they do find something, inspectors cannot order a recall; "they have to rely on voluntary cooperation from companies to get known contaminated meat off the market," says Elizabeth Dahl, a staff attorney for the Center for Science in the Public Interest. So it's no surprise that outbreaks of E. coli and other deadly foodborne illnesses are on the rise. (They've increased almost fivefold since 1988.)

The FDA's food inspectors are even farther behind. According to a recent GAO report, the agency only inspects 1.7 percent of the 2.7 million shipments of fruit, vegetables, seafoods, and processed foods under its jurisdiction. Clinton has repeatedly tried to help the FDA keep up by giving it broad new inspection and enforcement powers, but Congressional Republicans have thus far refused to give him a hearing.

Fix It

When you look at the human damage weak regulation can do, the question becomes not whether to regulate at all but how to do it better. Sadly, there's plenty of evidence that our regulatory process could use a good kick in the pants. U.S. environmental law, for instance, looks pretty good on the books. But the EPA's inspector general recently detailed a list of leaky sewage plants, belching factories, and dump sites that are in violation of the law. "If one state clearly has more relaxed standards, then businesses might flee to those states," Phillip Wardwell, a state environmental official in New Mexico, told *The New York Times*. "That's exactly the function of the federal agency, to head off that race to the bottom."

This touches on a crucial truth about regulation: No one, particularly in America, wants to be the one sucker who's playing by the rules. Unfortunately, our federal agencies often don't enforce them. Eighteen years after the landmark Superfund legislation was passed for cleaning up toxic waste sites, 63 percent of the nation's 1,359 official Superfund sites haven't been

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touched. And if you think that's just an issue of old zinc smelters and mines that no one ever goes near, think again. For years, managers at Connecticut's Millstone nuclear power broke federal safety rules on the handling of fuel rods, cooling pipes, gauges, and filters, and punished workers who tried to warn them about the dangers involved. Ultimately the government had to spend $750 million to bring the plant up to speed and re-educate its managers — money that would have been saved if everyone had respected the regulations in the first place.

In some cases, regulators fail to do their job because they're too friendly with the industry they're supposed to be policing. In the past few years the number of deaths in charter and commercial bus accidents has nearly doubled. That's partly because the Department of Transportation does a poor job of inspecting the buses. But it may also have something to do with the fact that in 24 states, charter bus companies are allowed to inspect their own buses, as "20/20" recently reported.

You might answer that bus companies have a pretty strong incentive to keep their buses in good shape. After all, they look bad when even one bus goes careening off the road and kills a group of schoolchildren. But the fact is that bus lines, like all private companies, are competing for market share, and struggling to get as much use as they can out of every tire, axle, and muffler. This is where the remorseless logic of deregulation kicks in: There will always be people willing to pay a little less for a cheaper bus ride. And there will always be someone willing to serve that market. If you doubt it, remember the word "Valujet."

The Valujet crash and others like it might never have happened if the Federal Aviation Administration were not so eager to please the airline industry. In fact, until recently the FAA was officially charged with promoting aviation as well as safety. This dual mission has contributed to countless air disasters, including the crash of Flight 800, which exploded in midair in July 1996 when a spark in its center-wing fuel tank ignited. Investigators at the National Transportation Safety Board (which has never suffered from the FAA's identity crisis) had been pushing the FAA to develop a fuel-tank design that would eliminate the danger for years. The FAA had resisted them, not because it wasn't technologically feasible, but because it would cost money. Ironically, the charges leveled at the FAA in the wake of Flight 800 echoed those made against the CAB in 1978: They had become yes-men for the industry.

But this time the remedy is to make the regulators tougher, not to kick them out. Let's hope the conservative and libertarian policy wonks who are celebrating deregulation's 20th anniversary this summer remember that it, too, has a cost — even when that cost is measured in human suffering rather than dollars and cents. ●

Retraction

In the April 1998 cover story of *The Washington Monthly*, a number of statements were made concerning a Florida-based company that owns the greyhound track in Hudson, Wisconsin, and the Hecht family, including Florence Hecht, the late Isadore Hecht, and sons-in-law Fred Havenick and Neal Amdur. We did not have proof for the following:

- That the Hecht family has been "linked to organized crime."
- That the "local corporate identities" of the companies involved in the Hudson dog track were "intentionally confusing."
- That the patriarch of the family, the late Isadore Hecht, was a "friend and business associate of the late gangster Meyer Lansky."
- That Neal Amdur "has a stake in a Florida company with mob ties."
- That Fred Havenick only became involved with the dog track and casino applications in 1995.
- That the three Wisconsin Chippewa Indian tribes are acting as a "front" for the Hecht family in the Hudson casino venture.
- That the Hudson casino contract is "a throwback to the bad old days of Indian gaming."
- That the Hudson dog track companies are "shady."

In preparing this story, reporters and editors of *The Washington Monthly* did not attempt to contact the Hecht family, the companies or tribes involved in the proposed Hudson casino venture, or any of their representatives. We apologize for any embarrassment we may have caused members of the Hecht family and the companies with which they are involved.

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U.S. HOUSE OF REPRESENTATIVES
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TO: Members of the Committee on Education and the Workforce
FROM: Bill Goodling, Chairman
RELEASED: Thursday, May 21, 1998
RE: Full Committee and Subcommittee Schedule for the Week of May 25-29, 1998

Monday, May 25, 1998:

The Committee offices are closed in remembrance of Memorial Day.

Tuesday, May 26, 1998:

Nothing is scheduled.

Wednesday, May 27, 1998:

Nothing is scheduled.

Thursday, May 28, 1998:

Nothing is scheduled.

Friday, May 29, 1998:

Nothing is scheduled.

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Who's Watching the Kids?

Why you should give a damn about this nation's child care crisis

BY MICHELLE COTTLE

LET'S FACE IT. CHILD CARE IN THIS country is widely regarded as the ultimate "women's issue." Unless you are a working mother — or the comparatively rare single dad — the pathetic state of U.S. day care probably ranks near bottom on your list of things to fret about, somewhere between the perils of car phones and the skyrocketing cost of cable. Such ambivalence is hardly surprising. Americans have long viewed day care, with a certain degree of guilt and distaste, primarily as a service that allows parents to work. So long as the rest of us don't have to hear too many horror stories about infants being molested by deviant caregivers or toddlers getting locked in a center after hours (as happened in suburban Virginia this year), we are content to leave this particular crusade to the mommies and daddies.

But increasingly, scientific research is highlighting the folly of this attitude. In April, the National Institute of Child Health and Human Development released a report showing that top-notch day care can enhance a child's cognitive and language development, reduce behavior problems, and increase overall school readiness. In other words, we should regard day care as an educational opportunity for kids — not as baby-sitting. Even more compelling, in the spring of 1997 the Families and Work Institute released a study confirming that the first three years of life are the most critical in a child's brain development, adding heft to a 1994 Carnegie report that showed much the same thing. Left alone to stare at the bars of her crib, an infant will not receive the stimulation necessary to form the neural pathways that guide later learning. Tended only when there is a nose to be wiped or a diaper to be changed, a toddler won't develop the self-assurance to explore his place in the world. Kindergarten is too late. Unless a child receives individual attention and stimulation early on, by the age of three she has already fallen behind. The window has been closed.

Now, consider these findings in light of the changing demographics of American society: An estimated 70 percent of moms now work outside the home, meaning more and more infants and toddlers are being looked after by relatives, friends, and professional caregivers. And in the wake of the 1996 welfare reform, tens of thousands more parents are being herded into the workplace, leaving tens of thousands more tots in need of care. Never has the case for affordable, high-quality child care been clearer — or the need greater.

Unfortunately, this country's day care situation (it's much too slipshod to be called a system) borders on the criminal. Costs are high, too many providers are unqualified, health and safety standards are uneven, and educational opportunities are woefully wasted. While news accounts of toddlers wandering away from centers and babies playing with cockroaches are not the norm, they are indicative of a widespread problem. A 1995 national study found day care in six out of seven centers to be mediocre to poor, with one in eight potentially compromising children's safety and health. The news for our youngest children was particularly grim: In 40 percent of classrooms serving infants and toddlers, children's health, safety, and development were being compromised. Similarly, a 1994 survey found that the environment in a third of

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home-based care facilities was jeopardizing children's development.

Hillary Clinton tells a story: During one of her visits to France, which has what well may be the world's best day care system, the First Lady asked a French official why the government had chosen to invest so much money in child care. His response: "How could we not? These are the future citizens of France."

Americans just can't seem to grasp this point. Day care is not a "women's issue" — or even a parents' issue. The cliché about our having a choice between investing in children's well-being when they're young, or paying for the cost of their prison stays or welfare checks (or their not being able to vote intelligently) when they're older is not much of an exaggeration. Every member of a democracy has a stake in how its citizens are being raised and educated.

What's more, considering the widening gap between the haves and have-nots in our society, particular attention must be paid to the plight of lower-income children, who, research shows, suffer the most from poor-quality care. In addition to being in generally poorer health than middle-class kids, low-income children enter school facing significant learning disadvantages. The Children's Defense Fund (CDF) reports that, while middle-class children starting first grade have been exposed to 1,000 to 1,700 hours of one-on-one reading, their classmates from low-income homes have been exposed to only *25 hours*. In addition, CDF notes that low-income kids start school with half the vocabulary of middle-class students. A variety of studies have found that these "at risk" kids benefit more from high-quality child care and early education than children overall. But low-income families are the very ones shut-out of good programs.

Indeed, even substandard care is prohibitively expensive for many families. With child care "tuition" averaging $3,800 a year, program costs are daunting for low- and moderate-income working parents, much less those struggling to get off welfare. A 1995 report by the Census Bureau showed that families earning less than $14,400 a year spend 25 percent of their income on day care. And the younger the child, the higher the costs. Government subsidies are available for our most impoverished citizens — but only for a fraction of those in need. Of the estimated 10 million families eligible for federal aid, only 1 million are currently receiving help through the Child Care and Development Block Grant program, with another 800,000 served by Head Start. Last year, New Jersey had around 15,000 children on its waiting list for subsidies; Florida had 21,000; Texas, 37,000; and so on. As recently as 1994, families in Clinton's home state of Arkansas typically spent two years on a waiting list before receiving help.

Paradoxically, even with the high costs and shortage of child care, caregivers are among the most underpaid professionals in the nation, earning an average $6.70 an hour — less than the average parking attendant or carwash employee. (Americans do love their cars.) As a result, dedicated, qualified caregivers are tough to find, and even tougher to hold onto: Staff turnover averages 33 percent a year.

To their credit, some political leaders have vowed to address the problem. Last October, the National Governors' Association (NGA) held a conference to explore ways to give young children "the best possible start in life." The National Conference of State Legislators is also studying the issue, and state expenditures in early child development are on the rise according to a fiscal survey released in December by the NGA. On the federal level, the First Lady has adopted child care as her pet cause, and in October she and the president hosted a White House conference on the issue. Three months later, Clinton unveiled a proposal that would provide nearly $22 billion over the next five years to improve child care, with $3 billion set aside to aid children five and under. Not to be outdone, several members of Congress have rushed to introduce their own plans.

Political bickering, however, may yet sink the reform boat. Legislation to reauthorize (i.e., continue funding for) Head Start remains tied up in Congress, as do the various proposals to increase funding for the child care block grant. The president was hoping to finance a chunk of his day care package (elements of which are contained in bills before Congress) with income from the tobacco bill. But Republicans effectively killed the bill in June, and even if it's revived in a weaker form, how much money will ultimately go toward child care remains uncertain. Social conservatives, miffed that we can't return to the days when Mommy stayed home with the kids, complain that government-subsidized care is an insult to stay-at-home mothers, and are lobbying instead for more tax breaks. (Though this would hardly help the neediest families.) Then, of course, there are the perennial big-government bashers. Case in point: Just before the tobacco bill's untimely demise, the Kerry-Bond amendment earmarking part of the funds for child care passed the Senate on a 66-33 vote. Sen. Phil Gramm, however, promptly pledged to introduce an amendment that would strip Kerry-Bond from the bill, leaving states to use tobacco funds any way they saw fit.

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And while the politicians bicker and drag their feet, millions of children are wasting their days — and their potential — in unfit facilities.

A Thankless Job

There's a growing consensus among child development experts that what matters most in day care for infants and toddlers is the children's relationships with caregivers. "In these early years, children learn about themselves and the world, their identity, what to value, and what not to value through their interaction with a few caring adults," explains Abbey Griffin, director of the nonprofit group Zero to Three.

But despite our society's grand pronouncements about valuing children, U.S. day care workers are treated like second-class citizens. "The pay," sighs Griffin, "is enough to make your stomach hurt." A 1988 study by the Center for the Child Care Work Force found that "child care teaching staff earned less than half as much as comparably educated women and less than one-third as much as comparably educated men in the civilian labor force." Between 1977 and 1988, staff wages (adjusted for inflation) *fell* more than 20 percent. The situation was so pathetic, notes the center, that when California launched its GAIN welfare-to-work program in 1985, many counties discouraged or excluded child care as a career option for welfare recipients, because the low pay made the profession an unlikely route out of poverty. What progress since then? In a 1997 update, the center reported that real wages for caregivers have remained essentially unchanged since '88. (The rising economic tide, it seems, has failed to lift this particular boat.) Teachers typically earn between $13,000 and $19,000, while teaching assistants average between $10,500 and $12,250 a year. (Compare this to France, where caregivers' pay is in line with that of elementary school teachers.) The benefits situation is equally dismal. In a separate 1997 report, the center noted that fewer than one-third of day care centers provide health insurance, and even fewer offer a pension plan. Home-based care providers, of course, are on their own.

Perhaps nowhere is Americans' failure to grasp the importance of early child care more visible. While we recognize the value of recruiting qualified teachers for school age kids, the unspoken belief seems to be that since any idiot can have a child, by extension, any idiot can take care of one. According to the Center for Career Development in Early Care and Education, 39 states and the District of Columbia do not require prior training for home-based caregivers; 32 states don't require prior training for teachers in cen-

A Tale of Two Centers

It's not just the nightmarish child care situations that we should be concerned about. Many centers try to provide kids with a nurturing environment, but don't quite have the funding or staff to do the job. Sadly, most people have no idea what can be accomplished in a top-flight facility. A visit to two D.C. centers illustrates the difference between a mediocre program, and one that reflects what this nation's investment in our children should be.

In the Shaw neighborhood in Northwest Washington, even at midday men are hanging out on street corners and in the shadow of doorways. Although crime rates in the area are easing and a new convention center is slated to move in by 2002, Shaw is still marked by drug dealing, prostitution, and violent crime.

Inside the Anthony Bowen YMCA on W Street, it's lunchtime. A pack of 11 toddlers rolls into the main lobby on the way to the cafeteria. Two women tower above the children, silently guiding the group. A little boy, clad like many of his classmates in shorts and a white cotton t-shirt, makes a break for the exit. Without moving, one of the teachers belts out the child's name causing him to freeze, tiny hands still pressed against the heavy glass door. After a short pause, he waddles back toward the other children.

The group heads off down a narrow hallway toward the lunchroom. There, at colorful mini picnic tables, the children sit in rows with their plastic spoons and trays loaded with roasted chicken, mashed potatoes, and string beans. The children, ranging in age from 15 months to 3 years, are well-behaved and relatively quiet. When I enter the room, accompanied by executive director Kimberly King and child-care administrator Telicia Kemp, the children are friendly and eager to show off. "I got chicken," announces one little girl, proffering a slippery

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ters. "For a long, long time people have taken early parenting and child care as just baby-sitting," says Griffin. "Whatever you do to keep them warm and fed and safe is OK. Well, we have concrete evidence now that it's not OK."

Certainly, not every caregiver needs a Ph.D. in child development. But research shows that better-trained providers mean better care, and caregivers without formal training should get instruction in the basics of first aid, health and safety practices, and so on.

Nonetheless, the "any warm body will do" attitude remains evident as states, pushing to meet the welfare-roll reductions dictated by the '96 reforms, try to kill two birds with one stone by transforming welfare moms into caregivers. Wisconsin, for instance, has created a category of "provisionally certified" care that allows an adult with absolutely no training to provide care in her home for up to three children. What's more, the state will give parents receiving child-care subsidies a 30 percent discount on their co-payments for using a provisionally certified provider rather than a licensed caregiver. Minnesota passed legislation allowing unlicensed providers to care for as many as five children at home, and Michigan lowered the minimum age requirement for at-home caregivers to 16. Such incentives seem to confirm child-care professionals' fears that, in the rush to find affordable care options, states will further sacrifice quality.

Although many welfare moms may turn out to be fine caregivers, says Griffin, "if you don't provide training and screening and career counseling, you get a kind of one-third, one-third, one-third effect: One-third of the people have an interest in child care and may go on to get training. One-third are good with babies and could be OK, but are likely to go on to a better-paying job like bagging groceries or being a parking attendant as soon as the opportunity comes along. And one-third really need to be counseled to get out of child care because they are not interested in it and will not be good for the children."

Considering the profession's sorry wages and haphazard approach to recruitment, it's hardly surprising that the child-care workforce looks like an advertisement for the politically disenfranchised: Ninety-eight percent of caregivers are female; one-third are women of color; many are living at or below the poverty level. More than one-third of day care centers employ welfare mothers receiving Temporary Assistance for Needy Families payments. Most people with the skills, means, or education to find better-paying employment do. Economic upturns like the one we're now experiencing only speed the exodus. With other busi-

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sliver of dark meat. "I got a spoon," counters her table mate, leaning back in his seat to display the potato-coated utensil. For their part, the teachers seem to pay little attention to their charges, moving to deal with the occasional mess.

When lunch is over, the group heads down a different hallway toward their classroom for nap time. The children are jabbering to one another, smiling and waving at me. One little boy, crying loudly, is being carried on the hip of a teacher. (He just graduated from the younger group and is unaccustomed to the older children, explains Kemp.) A little girl waves and smiles and makes a run for my leg, eager to say hello. The two teachers remain unfazed and largely wordless, steadily herding the kids down the corridor. They call to a little boy who is lagging behind, staring out the glass wall at the older kids on the playground. When he doesn't fall into the group, the teacher who is already toting the sobbing younger boy, leans down and with one giant hand wordlessly lifts him up by one arm and settles him on her other hip. The group turns a corner at the end of the hall, disappearing from view.

Anthony Bowen YMCA is a prime example of a well-intentioned, cash-strapped child care facility. Counting its full-day and before- and after-school programs, the center serves 160 kids, ranging in age from 6 weeks to 13 years. Nearly all of the children are African-American; 85 percent of them receive government subsidies.

The facility itself is not particularly posh. The lobby looks a little worn, though the walls are covered with pink and yellow construction-paper flowers, and the main hallways are narrow and painted a sickly pale green. Inside the children's rooms, however, every effort has been made to create a cheery environment. In the infant, or "baby lambs," room, the walls were recently redone a bright yellow, and decorated with soft cotton cutouts of puffy clouds and animals. The rooms for the older kids each have a wall of windows looking out onto the main playground. (There is a separate play area for toddlers.) Some of the windows are adorned with paper trees and plants; one has been transformed into a seascape with bright blue waves and painted fish. Every age group has its own set of rooms divided into three basic sections: the library/quiet area (essentially a walk-in closet outfitted with books and kid-sized chairs); a main play

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nesses hungry to hire, it doesn't take long for a minimum-wage child care provider with little vested in her job to find greener pastures. This constant parade of caregivers, say experts, is detrimental to infants and toddlers, disrupting their sense of security and confidence. It's also a serious waste of money, since centers must constantly locate and break in new people.

North Carolina thinks it has a partial solution to the problem. Through its TEACH Early Childhood Project, the state has established a system that offers child care providers scholarship money to pursue child care training or child development degrees. Those who pursue additional education receive bonuses or wage increases. Started as a pilot project in 1990, more than 7,000 providers have since enrolled — with 4,000 scholarships granted just in the past year. On average, participants complete 18 credit hours per year and receive a 10 percent increase in wages. The state, in turn, winds up with a better trained, more committed workforce: TEACH participants have a less than 10 percent turnover rate, compared to 42 percent statewide. But here's the kicker: The program largely pays for itself. Thanks to increased staff retention, says Sue Russell, the state's executive director of day care, less time and money are lost to recruiting and orientation, offsetting most of the program costs.

North Carolinians aren't the only folks aware of the benefits of linking training to compensation. This practice has become standard operating procedure in what is widely considered the guiding light of U.S. day care: the Defense Department's child development program. (See sidebar below.) The military's approach to basic caregiver training is simple, says Linda Smith, head of the department's Office of Family Policy: "If you complete it, you stay. If you don't, you're fired." Before a caregiver begins working with children, he or she undergoes an orientation addressing everything from CPR to recognizing the signs of child abuse. Once on the job, the caregiver continues through a comprehensive training program. On average, the process takes about two years to complete. But as people move through the system, explains Smith, they also move up the pay scale.

Such programs have not gone unnoticed by the Clinton administration. North Carolina Gov. James Hunt was invited to speak at the White House conference on child care, and the DoD has been asked to share "lessons learned" about high-quality care with civilian providers. What's more, the president's child care proposal includes $250 million for a Child Care Provider Scholarship Fund based on the TEACH and DoD models. Similar to North Carolina's program,

area filled with toys and tables and pictures and brightly colored rugs; and a small classroom area where teachers talk with kids about their ABCs and numbers.

Literacy is a big concern at Anthony Bowen. Currently under development is a family literacy center, where children and parents alike will be able to work on their reading fundamentals. The center is also putting together a computer lab for its school-age kids. Such amenities are particularly important to the less-affluent families Anthony Bowen serves. "We understand that not every child has a computer at home — or even a safe place to play," notes King, who, after only four weeks on the job here, says it is her personal goal to make the center "an oasis in the city."

King's job won't be easy. Last November, the District temporarily shut down Anthony Bowen after parents complained about a lack of heat at the facility. A follow up inspection, according to *The Washington Post*, turned up dead rodents and rodent droppings, which meant the kitchen had to stay closed even longer. (On my recent tour, Kemp took care to show me the kitchen, which appeared clean and well-kept.)

Perhaps just as disheartening, although Kemp emphasizes how blessed the center has been in recruiting good teachers and aides, the sense one gets is that the staff is more into crowd control than child development. The adults seem somewhat disengaged from the children, verbal interaction is limited, and everyone has a slightly weary look. (Of course, it can be argued that anyone taking care of a half dozen or so two-year-olds has a right to look weary.) In the four-year-olds' classroom, a lone teacher sits quietly in a corner as a dozen or so boys and girls scramble about the low table at the back of the main play area. In a replay of the scene in the cafeteria, the teacher barely looks up as we enter the room and remains essentially silent as King asks the kids about how they spent their morning. And despite the sunny day and the colorful paintings on the walls, one can't help but feel a little sad about the opportunities that have already passed these children by.

Across town, at the Anacostia Naval Station in Southeast Washington, the atmosphere could not be more different. At 8:30 on a rainy Tuesday morning, sleepy children and parents are still trickling into the child development center. But inside Carrie Phipps

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scholarship recipients would commit to one year of continued service for every year of assistance received, then earn salary increases or bonuses as they completed their course work.

Even Standards Are Substandard

Caregiver training isn't the only area of day care where standards need to be upgraded. A 1997 report by Yale University found that U.S. child care is, to quote a press release on the study, "overwhelmingly mediocre or poor in every state, thus posing a threat to children's development, mostly because state legislators are setting standards far too low." (There are no national standards.) Many states don't regulate the number of infants or toddlers in a class, and many disregard recommended adult-to-child ratios. Although the National Association for the Education of Young Children recommends a ratio of one adult for every four children under nine months old, 20 states allow providers to exceed that limit. (Idaho allows one adult for every 12 infants.) Thirty-five states exceed the preferred ratio of one adult for every six two-year-olds.

For its part, the federal government has no intention of assuming the role of enforcer. The Department of Health and Human Services, which oversees the child-care subsidies program, serves as little more than a bank. Federal aid — around $3 billion a year — flows from HHS to the states via the Child Care and Development Block Grant. State (or county) social service agencies in turn distribute around 70 percent of the money to needy families in the form of vouchers. (The rest goes directly to centers or toward improving the quality of existing care.) Vouchers may be used in any type of care environment: home-based provider, relative, friend, center. The benefit is that each parent can arrange for the child-care situation that best fits his or her needs. The obvious downside is that lower-income parents don't always have a lot of options, particularly since providers can refuse to accept vouchers. And since neither the federal government nor the majority of states place serious quality restrictions on who can receive vouchers, children often wind up in unsound, or even unsafe, environments. "The problems come when there isn't much availability in an area or when the choices are substandard and parents are forced to leave their kids with someone who'll plop them in front of the television all day," says HHS spokesman Michael Kharfen.

HHS places few regulatory demands on states receiving grant money. For instance, states must provide matching funds, limit assistance to families with incomes below 85 percent of the state's median income

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and Nona Bank's infant room, the day is in full swing. The two teachers are each rocking and softly talking to one child, while two other tots scoot around the floor beside them. As one little boy tries to pull himself up using Ms. Nona's leg, she coos encouragingly, "Oh, you think you can get up here, do you? Now how am I going to get up from this chair?" A brother and sister — twins — are sitting in their highchairs in a post-breakfast stupor, surveying their classmates. "They have to sit still for 15 minutes after eating or they spit up," explains Ms. Carrie, who knows these babies' schedules and quirks as well as or better than their parents do.

In the back corner of the room, beside a heavy door leading outside to the infants' playground, one tiny tot snoozes peacefully in his crib beneath a colorful mobile featuring Winnie the Pooh, Piglet, Tigger, and the rest of the gang from the Hundred Acre Woods. In the opposite corner, a slightly older child is scooting around in "the crawl space," a large section of the room set apart by Plexiglas "walls" just high enough to contain curious infants. There is a soft, purple mat on the floor and a long, low mirror along part of one wall. The Plexiglas is decorated with photos of children and parents — all at baby eye-level of course.

Outside the crawl space, the floor is sprinkled with snapshots of the infants and their families, as well as colorful pictures of horses and trees and kids dressed up as sunflowers. "The children need sensory stimulation," explains program administrator Linda Tomlins. Taped to a window that looks out onto the hallway are information sheets about each caregiver ("To help parents feel comfortable about leaving their children with us," explains Ms. Carrie.) Hanging nearby is a list of the four children in each teacher's "primary care group." "We each help out with all of the children, of course," explains Ms. Carrie, who looks deceptively young for someone who has been working with kids for some 20 years. "But it helps if we know who is primarily responsible for each infant."

On a bulletin board (well out of infants' reach) hang "activity plans" broadly outlining the children's daily routines. Activity categories include "Listening and Talking," "Physical Development," "Creative Activities," and "Learning from the World." In addition, Ms. Carrie shows me a book in which the teachers write down daily notes about each child's schedule and

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(or lower, if the state so chooses), and establish minimum health and safety protections for programs that receive funds. What these protections should be and how they are enforced, however, is up to the states. "[The federal government's role] is not about setting rules," says Kharfen. "It is not about prescribing how programs should be." Such hands-off rhetoric may sound enlightened in the current devolutionary political climate, but if the federal government is going to dole out several billion a year in child-care subsidies, it absolutely has a responsibility to see that taxpayers are getting their money's worth.

The government's Early Head Start program is somewhat better regulated. Early Head Start, which offers prenatal care to expectant mothers and care to children ages zero to three, was created in 1994 as an outgrowth of the main Head Start program, which serves mainly 3- and 4-year-olds. Launched in 1965 as part of Lyndon Johnson's War on Poverty, Head Start aims to level the playing field by giving children living at or below the poverty line an introduction to the health, socialization, and education basics they might not be learning at home. The program takes a comprehensive approach to care: It ensures that kids receive their vaccinations, instructs them in the fundamentals of nutrition and hygiene, teaches them about sharing and interacting with others, and, of course, tries to get them interested in learning.

Like the main Head Start program, Early Head Start is funded directly by the federal government and is subject to federal standards. These standards, recently upgraded for 1998, not only regulate basics such as adult-to-child ratios and group sizes, but also set guidelines for everything from the number of square feet of indoor space required per child to the nutritional content of children's meals. Twenty-five percent of any funding increase must go toward program improvement, and at least 2 percent of all funds go toward teacher training.

Establishing quality standards, however, is largely pointless if no one enforces them. Even after passing several initiatives aimed at improving and enforcing standards, Head Start is still widely criticized for the uneven quality of its programs. Centers are inspected

behavior.

Ranging in age from six weeks to 12 months, the babies in the centers' five infant rooms are too young to do much conversing. Still, Ms. Nona and Ms. Carrie keep up a constant patter with their young charges, asking questions, naming objects, and generally explaining the world around them. The kids are clearly attached to the women, and vice-versa. In caring for these children from the time they're practically newborn to when they're "teenagers" (ready to move on to the pretoddler rooms), some strong bonds form, says Ms. Carrie. In fact, she notes with a smile, at the end of the day, the children who recently graduated to a pretoddler class will be brought back by "just to say hi and get their hugs."

Opened just three years ago, the Navy's Anacostia day care center is a working parent's dream come true. Stepping through the front door, you enter a world of high ceilings, skylights, stained-glass windows, children's artwork hanging in glass display cases along wide corridors, and staff members in teddy-bear smocks who smile and greet you as they pass. A 3' x 6' pink-and-blue finger painting (done by children at the center) hangs just inside the lobby, and giant terra cotta frogs and roosters are scattered throughout the hallways.

Safety is a top concern. All visitors must sign in at the front desk, and all doors to the outside (save those leading from classrooms into the centers' four fenced-in playgrounds) chime when they are opened, preventing anyone from coming or going without notice. A closed-circuit video system monitors all of the rooms, hallways, and playgrounds. In addition to the system's safety benefits, explains Tomlins, "We let parents who are having a hard time separating from their kids come in here to watch their child play."

The center, serving 300 children, is divided into four sections: infants, pretoddlers (12 to 24 months), toddlers (24 to 36 months), and preschoolers (three to five years). Outside the door to each classroom are posted the names and photos of the teachers, along with a plaque identifying the age group inside and the number of children allowed in each class. Group sizes and adult-to-child ratios are based on the levels recommended by the National Association for the Education of Young Children. (Currently, 86 percent of military centers have NAEYC accreditation, compared to 6 percent in the private sector.)

Inside, the rooms are filled with toys and books and artwork and the sound of children and teachers talking together. As in the infants' rooms, all teachers keep an activities schedule for the children. I arrive in one of the pretoddler rooms just as "circle time" is beginning. Teachers and tots sit together on the floor in a circle and begin singing "the hello song" (followed by a song about feelings and one about an old

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only once every three years, allowing serious problems to fester in the interim. For instance, a 1993 report by the HHS Inspector General's office showed that only 54 percent of Head Start kids had received proper medical screening. Then there are the grisly anecdotes, such as the Brooklyn program that was shut down only after the city controller, having received complaints about the center, discovered "dangerous and disgusting" conditions in its kitchen. The situation with state-regulated care is equally problematic. Many agencies aren't given the resources to enforce what meager standards states have in place. More than half the centers in Washington, D.C., for example, are operating with expired licenses.

Here again, the Defense Department shows what can be done with adequate support and investment. Regular inspections are a central part of what makes the military's program successful, says Linda Smith. "I credit our quality to the enforcement of our standards, not the standards themselves," she asserts. "The military is often accused of being a Cadillac program, but in reality our standards meet the middle of the road for states. In adult-to-child ratios, in group sizes — we're right there in the middle."

Child care providers for the military — whether in centers or at home — are subject to unannounced quarterly visits by a combination of fire, health, safety, and program inspectors. (Smaller-scale inspections occur more frequently.) Providers found to be in serious violation of standards can have their licenses suspended or revoked. For more minor infractions, written or verbal warnings may be issued. The secret, says Smith, is that the inspections are unannounced. "As a provider, if you know an inspector is coming, you can fix anything. When I worked in [private] day care, I always knew when they were coming. If I was violating ratios, I just wouldn't have some kids there that day." To prevent such manipulations, the military takes the surprise nature of its visits very seriously: "I have taken teams from this office to Sicily to Japan to Germany and shown up on a provider's doorstep and they did not know we were coming." And although they're infinitely more effective, notes Smith, unannounced inspections don't cost a dime

sailor who went to sea). Classrooms are divided into different "learning centers." The toddlers, for instance, have an area with blocks and wooden toy cars, an area for dramatic play, a "manipulative area" with puzzles and dress-me dolls, a "messy area" for artwork, and the all-important book area. During my visit, most of the toddlers have gathered in the book area to "read" and be read to. Literacy skills are emphasized even in the younger groups. In most of the classrooms, photos and objects are labeled to encourage children to start making connections between pictures and words.

The Anacostia center makes clear why the DoD's day care system has come to be hailed as a national model. Serving more than 200,0000 kids worldwide, the military holds its centers and home-based facilities to the same exacting standards. Better yet: To ensure that lower-income parents aren't priced out of the program, the department heavily subsidizes care. On average, parents pay about 50 percent of the costs, with co-payments based on a family's income.

More than a model program, however, the military's child care system is also a remarkable turnaround story. Havens such as Anacostia arose from the ashes of a system in the 1970s that one official terms simply "a disaster." Half-hearted reform efforts were discussed in the latter half of that decade, but little more than minor tinkering took place. Then in the early '80s, the General Accounting Office issued a report criticizing the military system for everything from shoddy program standards to a lack of caregiver oversight. This report, coupled with a series of child abuse allegations leveled against the system around that time, got the military's — and Congress' — attention. Hearings were held and legislation passed. Program, safety, and caregiver standards were established, a system of inspections was implemented, and funding was dramatically increased. In 1989, the year the Military Child Care Act was passed, there was around $89 million in the program; today, annual funding has reached $273 million.

Given the proper inspiration and support, day care systems can be established that not only keep children safe and warm, but also nurture their development in a way that some lower-income kids' might otherwise never experience. Maintaining such a system is hard work, says Tomlins. But it is important work, as the folks at Anacostia obviously understand: In the lobby of the center, a small sign — this one placed squarely at adult eye-level — reminds visitors of the value of what goes on inside the facility: "A hundred years from now it will not matter what my bank account was, the sort of house I lived in, or the kind of car I drove. But the world may be different because I was important in the life of a child." — *MC*

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more than prearranged ones.

Another benefit of the military's inspection system is that it is multi-tiered. Rather than one agency handling all inspections, visits are alternately conducted by representatives at the individual base level, the major command level (groups of bases with similar functions), the headquarters level (Army, Navy, Air Force, etc.), and on occasion the Office of the Secretary. If, say, representatives from Navy headquarters discover that day care providers at a base, or a group of bases, are being inadequately monitored, steps can be taken to deal with both the providers and their lax inspectors. This practice of overseeing the overseers prevents breakdowns in the system from going unnoticed.

Time to Get Serious

While child care experts and advocates talk about the importance of good caregivers and high program standards, they all stress that more money must be made available to extend these benefits to more families. "The bottom line is that we need more resources," says Gina Adams of the CDF. "The big challenge with child care isn't that we don't know what to do, it's that we don't have the resources to bring the programs that are working up to scale so that they are helping all kids."

Currently, the Head Start and block grant programs combined serve fewer than 2 million kids. This covers roughly one-third of those eligible for Head Start, and a tenth of those eligible for the less-restrictive block grant. Even were Clinton's $22 billion proposal to become a reality, the number of children served would rise to just over 3 million. By the government's own estimates this would still leave some 7 million kids without help. What's more, the vast majority of Head Start programs last only a half day and don't run during the summer months. Expanding all programs to run all day, all year would increase funding needs dramatically. "They think they're doing us a giant favor with that $22 billion," says Abbey Griffin. "But that money is just a drop in the ol' bucket."

If Americans are serious about giving every child the best possible start in life, we must reframe how we view — and fund — child care. Currently, we're approaching the problem from the wrong end: heavily subsidizing public schools and state universities, yet failing to invest in the earliest, most vital years of a child's development. As the National Governors' Association noted in its December survey: "[T]he capacity to acquire knowledge, skills, and appropriate development for school-age children is largely diminished without enriching experiences between birth and age three." This suggests we should get at least as serious about funding early child care as we have been about later schooling. "Public education couldn't do it without tax money," notes Mary Whitebook of the Center for the Child Care Workforce. "This is true in child care as well, we just don't see it as a social good."

The president's proposal would be a fine place to start. In addition to increasing funding for Head Start, the block grant, and teacher training, it includes tax breaks for private businesses that invest in child care programs for employees. This type of private-sector involvement will be key in getting day care the financial support it deserves, but it does not absolve the government from taking further steps to address the crisis. This nation makes clear what it values by how

Follow Through

As the nation (hopefully) gets moving to improve day care, we must remember that our responsibility does not end when a child is three or four or 10. Many of the kids who most need extra attention when they are infants and toddlers subsequently get shuffled into poor-quality public schools in low-income areas where their early progress dissolves inside overcrowded, underfunded, often violent classrooms. In fact, over the years the central criticism of Head Start — the federal program specifically aimed at giving low-income kids a leg up — is that a variety of small-scale studies have shown that the cognitive gains kids in the program enjoy typically disappear by the third grade. This, of course, says more about our public schools than about Head Start. As program founder Sargent Shriver put it: "If one plants a tree ... and gives it lots of nourishment at its beginning and then goes away and leaves it for the next five years, the tree will not grow as well as if the nourishment is continued."

Obviously, abandoning lower-income children to the perils of poor or mediocre elementary schools is tantamount to throwing our investment in early childhood development — and many of the children themselves — down the drain. In the early years of Head Start there seemed to be some recognition of this. A related government program called Follow Through was launched to track kids as they entered elementary school and

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it allocates public funds. On the state level, investment in child care is far outpaced by spending on corrections and roads. (The CDF notes, for example, that in 1994 Mississippi spent 78 times more on corrections than on child care, and 423 times more on highways.) On the federal level, while the president's $4.4 billion a year plan is nothing to sneeze at, keep in mind that the oil industry receives an estimated $5 billion in annual subsidies and Congress is considering giving tobacco farmers an $18 billion buyout in exchange for ending the long-running tobacco subsidies program. Giving our children a healthy start is surely as important as shoring up any particular corporate interest. Moreover, if we are prepared, as Clinton has proposed, to put this year's $43-$63 billion budget surplus toward shoring up Social Security for seniors, we can damn well find a way to make an equivalent investment in our children. As President Clinton put it: "We'll never be the kind of country we ought to be unless we believe that every child counts and that every child ought to have a chance to make the most of his or her God-given abilities."

Until we start thinking this way — recognizing that providing every family access to high-quality day care is an investment in our future, not some bleeding-heart social program — every minor political disagreement to come down the pipeline will be enough to derail real reform.

Let's just hope Congress remembers this as it sits around squabbling about how to spend the growing budget surplus.

Research assistance provided by Seth Grossman.

work with them to preserve some of Head Start's benefits. But the program apparently petered out some time during the Reagan years, and the folks at HHS seem to have forgotten it ever existed. ("Follow Through?" asked HHS spokesman Michael Kharfen, "I've never heard of that. I'll have to see if anyone around here knows anything about it.") More recently, Head Start funded a pilot transition project with a similar goal. Most of those programs, however, are currently being phased out according to HHS.

Small-scale progress is being made, particularly in the area of encouraging community involvement. AmeriCorps sponsors a variety of programs pairing volunteers and college students with children who need special attention (as identified by parents or teachers). D.C. Reads, for example, is the local arm of a nationwide effort to see that all children are reading proficient by the end of third grade. Started just last year, students from six District-area colleges, as well as volunteers from AmeriCorps and local nonprofits, make thrice-weekly visits to area elementary schools to work with first- and second-graders on their reading skills. (Third-graders were originally included, but the program has had to limit its efforts due to a lack of resources.) According to AmeriCorps' Karen Hallerman, who oversees the program, D.C. Reads is highly economical. AmeriCorps staff members, in charge of organizing schools' programs, work for about $14,000 a year, the volunteers donate their time, and the remainder of program needs — books, furniture, etc. — have been covered by private sector donations. "There's been a real community effort here," says Hallerman.

Other programs offer volunteers small stipends to encourage participation. D.C.'s Foster Grandparents Program recruits lower-income senior citizens from around the area to tutor and mentor children in District schools and preschools. Volunteers put in around 20 hours a week, working for $2.50 an hour. Similarly, AmeriCorps' Jump Start, which serves mostly preschoolers, provides educational stipends to college volunteers. Jump Start participants who commit to 900 hours of tutoring receive a $2,400 grant upon completing their service. Such cash incentives obviously make programs less cost-effective, but are still a bargain relative to hiring additional teachers — or letting children slip through the cracks.

But such efforts are simply a first step. America's Promise, Gen. Colin Powell's organization that hosted the president's summit on volunteering last spring, estimates that there are 15 million at-risk youth in this country — far more than can be served by the piecemeal tutoring and mentoring programs now in place. Increased public interest and involvement in children's lives is vital to preserving the positive effects of high-quality early child care and education. Colleges, senior centers, businesses, churches, and other community groups should consider what kinds of volunteer programs could work in their area. And if this magazine's long-standing plea for mandatory national service ever becomes a reality, our elementary classrooms would be a prime place to start work. — *MC*

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Who's Who

By Susan Threadgill

Linda Tripp remains on the Pentagon payroll collecting an annual salary of $88,000 while she works at home. "You want to see her work product?" one Pentagon official is reported to have asked. "Here's her work product." Then, according to **Ernest Blazar**, Pentagon columnist for *The Washington Times*, the official proceeded to hold out an empty hand.

Because **Ken Starr** only wants to find out what **Vince Foster** knew about Whitewater and the White House travel office, we confess to only a tepid interest in the question of whether Foster's client privilege extends beyond the grave. If only Starr were asking about **Hillary** and Vince! Come to think of it, it's surprising that he isn't, considering his keen interest in White House sex. Anyway, if your fascination with the attorney-client privilege exceeds ours, you may be interested in an argument that we hadn't thought of about how the privilege should not extend beyond the grave. Remember the **Charles Stuart** case in Boston? He murdered his wife. A black man was unfairly accused of the crime. Stuart talked to his lawyer. Then committed suicide. The question suggested by *The American Lawyer*'s **Roger Parloff** is should what Stuart said to his attorney be protected by privilege even if it would have exonerated the black man?

Saddam Hussein's claims that UN trade sanctions are causing widespread hunger became slightly less convincing when Iraq sought permission from the UN sanctions committee to import four liposuction machines.

Rep. **Dana Rohrabacher**, a chairman of the House Science Subcommittee on Space, has been one of the more prominent Republicans who allege that campaign contributions motivated president **Clinton**'s waiver of restrictions on transferring space technology to China. But, according to **Mary Ann Akers** of *The Washington Times*, Rohrabacher himself was one of 10 Republican congressmen from California who requested a similar waiver in 1993 on behalf of Hughes Aircraft. We're sure it was just a coincidence, but Rohrabacher and the nine other Republicans were also recipients of campaign contributions from Hughes.

Want to lose weight? **Joe Waldholz** has lost almost 120 pounds, dropping from somewhere over 300 to a svelte 190. What's his secret? Just the usual daily routine. Of course it's the usual daily routine at Allenwood Federal Prison Camp, where he's doing 37 months for embezzling more than $4 million from his father-in-law to use in his wife **Enid**'s campaign for Congress.

That was a fascinating letter **Paula Jones**' original lawyers wrote urging her to accept **Bill Clinton**'s $700,000 settlement offer. They not only told her "There is a substantial possibility you could lose this case," but also pointed out that "your focus has changed from proving that you are a good person to proving Clinton is a bad person" and that "your present need for an apology was not sought for more than three years after the event." As a clincher they added, "You will lose all prospect of financial reward from the selling of your sealed affidavit once the affidavit is disclosed," as they were certain it would be if she turned down the settlement and the case went to trial. If you're wondering what was so special about the affidavit in question, it's the one that describes the "distinguishing characteristic" of the presidential private parts.

Among the names being mentioned as possible successors to **Jean Kennedy Smith** as our ambassador to Ireland — the job carries with it some pretty fancy digs set in a lovely Dublin park — are **George Mitchell**, who negotiated the recent peace agreement, former Wyoming Gov. **Mike Sullivan**, and Federal Housing Finance Board Chairman **Bruce A. Morrison**, who is a former congressman from Connecticut. Sullivan is said to be **Bill Clinton**'s favorite.

Now that **Sidney Blumenthal** has subpoena

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power, wouldn't it be nifty if he summoned **Ken Starr,** or better still, Starr's bookstore! Unfortuntately, that's unlikely because the subpoenas have to have some relevance to Blumenthal's libel case against **Matt Drudge**.

Before he died, **Jim McDougal** not only told his collaborator **Curtis Wilkie** that **Susan McDougal** had had an affair with **Bill Clinton** but that Susan had moved into an apartment in Quapaw Towers, an apartment building "within walking distance of the governor's mansion," where, interestingly enough, **Gennifer Flowers** also resided. Could it have been Susan's proximity that led Clinton to try to persuade Flowers, as she alleges in her book, *Passion and Betrayal*, that the participation of another woman would add spice to their fun?

When **Monica Lewinsky** finished high school, *U.S. News and World Report*'s **Elise Ackerman** and **Betsy Streisand** report, her parents told her they could not afford college tuition "even though her father was making more than $400,000 a year."

Joel Klein, who is making life miserable for **Bill Gates** these days, did a similar favor for **Hillary Clinton**. While working as a White House lawyer, he was a vigorous advocate for making public all the documents related to Whitewater in the White House's possession. Mrs. Clinton was his main opponent. He lost.

Have you heard about Act 60, the Vermont law that is trying to equalize educational funding between rich and poor school districts? Author **John Irving** sure has. "This is Marxism," he told *Time*'s **Tamala Edwards**. He's starting his own private school. "My response is as brutally upper class as I can make it," adding to prove his point, "I don't want to make my child a target of trailer-park envy."

ART BY ROMAN GENN

Now that the remaining legal hazard for the president appears to be the **Lewinsky** case, which would never have happened if it had not been for the **Jones** case, which would never have happened if **David Brock** had not called her "**Paula**" in his *American Spectator* article, don't you imagine that **Bill Clinton** sometimes says to himself in the night, "If only he had called her Mabel!"

Speculation that **Vernon Jordan** might testify against his pal, **Bill Clinton**, which had already diminished, virtually ceased when Jordan was seen at a state dinner after his final day of testimony locked in intimate tete-a-tetes with deputy White House counsel **Cheryl Mills** and chief of staff **Erskine Bowles**.

One of **Monica Lewinsky**'s new lawyers, **Jacob Stein**, recently told *The Hill*'s **Albert Eisele** about "the best cross-examination I have ever heard." Here's how it went:

Q: "And then what did you do?"
A: "I can't remember."
Q: "And then, who did you see?"
A: "I can't remember that, either."
Q: "And what day did all this happen?"
A: "I don't remember."
Q: "Did anyone ever tell you that, when you think the answer would be harmful to you, you should say, 'I don't remember?'"
A: "I don't remember."

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Protecting the Patient

How independent review could force HMOs to behave

By David Nather

Matthew Cerniglia was dying. At the ripe old age of 12, the Sterling, Va., youth had been diagnosed with a rare form of cancer; it was already in its late stages and spreading rapidly. The standard treatment was 11 months of chemotherapy, but the side effects were so bad they literally were killing him. Matthew's only hope, his doctors said, was a quick burst of high-dose chemotherapy and a stem-cell transplant. Without it, he could pick his poison — either the standard chemotherapy or the cancer would get him.

But HealthKeepers, Matthew's HMO, didn't see it that way. It's not a covered benefit, they said, and we can't start making exceptions now. Even after three appeals, right up to the HMO president, the answer was still no. The reasons changed. First they said that "although this procedure may be medically necessary, it is denied as a non-covered benefit of the plan." Later, they said it wasn't "medically necessary." The bottom line, HealthKeepers President Ellen C. Harrison wrote in the final denial, was that "this is purely a contractual issue."

So Matthew's father, Ray Cerniglia, went to his bosses at Mitretek Systems of McLean, Virginia. The company did an extraordinary thing: It set up a special fund at Fairfax Hospital for children with cancer and asked its employees to pitch in. With their donations and others, Cerniglia was able to get the treatment for his son. Today, Matthew is still on the mend, but his chances look a lot better than they used to. And, according to his father, the HMO still hasn't paid a dime for the treatment that may have saved his life.

It's horror stories like these that are the big guns in the fight to get Congress to pass a managed care reform bill this year. You hear a new story just about every day, whether it's the latest Capitol Hill press conference, the daily floor speeches by Senate Democrats, or the "Casualty of the Day" blast faxes one California consumer group is churning out. Not everyone has their own cancer story to tell, of course, and most people say they're happy with their own health plan. But there are some major warning signs: In a recent survey by the Henry J. Kaiser Family Foundation and Harvard University, 48 percent of Americans said they have had problems with their health plan or knew someone who has.

And if the stories about HMOs saying no to cancer patients on death's door are the extreme cases, consumer groups say they're not exactly rare either. "This isn't an isolated incident. We hear them every single day," said Terre McFillen Hall, whose Center for Patient Advocacy in McLean runs a hotline to advise patients on exactly these kinds of problems.

There are a lot of ideas on how to make managed care work better, but a basic issue is this: What do you do when your health plan says no? Managed care saves money by putting a check on the doctors and the patients so they don't run up outrageous bills. You don't want to give a CAT scan to everyone who comes in with a headache. But what do you do when it's the other extreme — an HMO that says no to a bone marrow transplant for a dying cancer patient, or one that won't cover an emergency-room bill because you didn't call ahead while you were in the ambulance?

The biggest idea out there is also the one that's least likely to pass a Republican Congress. It would allow health plans to be sued for damages when they deny or delay coverage for a medical service and the result is an injured or dead patient. Right now, a lot of health plans are off the hook from those kinds of lawsuits thanks to a 1974 benefits law, the Employee Retirement Income Security Act (ERISA), that basi-

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cally puts a whole class of health plans beyond the reach of state laws that could let you sue for damages. You can sue in federal court, but all you can get is the value of the benefit you were denied, which doesn't help you once the damage has been done.

This has led to a lot of sensational horror stories, but the proposed fix raises its own problems. For one thing, health insurance and business groups say it could lead to a flood of new lawsuits against benefits administrators. That puts the employers at risk just as much as the health plans — and a lot of small businesses have said they'll drop their workers' coverage rather than face that. It also isn't the most popular proposal on the table; in the Kaiser/Harvard survey, people ranked the ability to sue health plans the lowest among the managed care reforms they wanted to see. But the bottom line is most Republicans just won't do anything that could lead to more lawsuits. Even with one of their own championing the cause (Rep. Charles Norwood of Georgia), this is the one idea they're fighting harder than anything else.

So let's fast-forward to the compromise. A lot of people in Congress think a stronger and faster appeals process, including the right to appeal to an outside party if you don't like the health plan's decision, would solve many of the problems before they get to the courts. The key is the so-called "external appeal," which would allow the patient to take a dispute to an independent reviewer and find out whether the health plan's decision was right. In other words, you get a second opinion. It's a more popular idea than the liability proposal, it's not expected to raise costs as much, and it would be an improvement over the appeal rights many patients have now.

This could be a big part of the compromise that ends the bitter debate we're seeing now. The health insurance industry and the business community, the same groups that squared off against the Clinton health care reform plan in 1994, are fighting just as hard to kill any managed care reform bill this year. They're not crazy about external appeals, but they're not fighting it as hard as liability. Several bills in Congress already call for it, and the Clinton administration is pushing for it. And the closer it gets to the election, the harder it is for Republicans to resist doing anything on managed care. There are plenty of last-minute, cosmetic fixes they could do to save face, but external appeals is one that actually could make a difference.

Outside Chance

It's hardly an untested idea. Everyone in Medicare, Medicaid, and the Federal Employees Health Benefits Program has some kind of external appeals available to them. That's 90 million Americans right there — including members of Congress, who get their health care through FEHBP. (See "A Health Care Plan Most of Us Could Buy," April 1998.) And as of May, 17 states had laws or regulations extending the right to the rest of the consumers in those states. But 33 states aren't covered, and the laws aren't always strong in the ones that are. Until recently, for example, the Vermont law only covered mental health services.

What's more, ERISA could be a problem here too. The law keeps states from regulating the content of any self-insured or fully insured health plans, so it's not even a sure thing that people who get their health care through those plans could take advantage of the state appeal laws. Here's how Phyllis Borzi, an attorney and former congressional staffer who knows ERISA as well as anybody, answered that question at a recent conference: "The answer is, we don't know, and anybody who tells you they know, be suspicious of them." Great. That only covers, oh, 123 million people. These poor folks may have to take whatever rights ERISA gives them, and right now it doesn't give them external appeals.

There's no problem taking an appeal to the health plan itself. That's called an "internal appeal," and health insurance officials say it's pretty much an industry standard. A General Accounting Office study seems to bear that out. When it looked at the policies of 38 HMOs, it found that all had their own appeals processes, and even let patients appeal twice if they didn't like the first answer. If anything, a lot of people in HMOs don't know about the appeal rights they already have. That's not necessarily the HMOs' fault; according to the GAO, most described the appeals process clearly in their member handbooks or other literature, and most reminded people of their appeal rights when they sent out notices of denials.

The trouble is, these may be the same people who turned you down in the first place. "The plan denies the treatment, you appeal to the plan, the plan denies the treatment," says Judy Waxman of the consumer group Families USA. In the GAO study, only 15 HMOs specifically said the appeals must be decided by people who weren't involved in the first decision. That's why Consumers Union says the right to take your problem to a neutral, outside party is "the linchpin for all other consumer protections." And no less a voice than the American Medical Association, in a recent statement to the Senate Labor and Human

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The
Washington Monthly
Journalism Award

MAY 1998

CAROL INNERST
"Teacher Training: More Show, Less Know"
The Washington Times

A tough examination of the inadequacies of teacher training in America. Process — how to teach — is too often the victor over substance — what to teach, meaning a solid grounding in the subject to be taught. Lunatic faddism — the current buzzword is "modelling" — is more important than determining whether the student actually has a knack for teaching. Why haven't The Washington Post *and* The New York Times *done this story?*

DAN KENNEDY
"Get Me Rewrite"
The Boston Phoenix

The Boston Globe *may have foreign bureaus all across the country and overseas, but the desk that needs the most help is none other than the metro. There are self-indulgent columnists; lackluster, disorganized beat reporters; and an apparently disgruntled staff. The remedy, says Kennedy, is to focus on issues that really matter — education, civic life, public safety.*

Resources Committee, warned that "the absence of independent review enables plans to make unfair and arbitrary decisions without any consequences."

So what do we know about these external appeals? For starters, we know from experience that they're not used very much. In Medicare, less than 1 percent of the claims in fiscal year 1997 were appealed; in Florida, state officials said they had an average of 350 external appeals a year between 1991 and 1995. That's a far cry from what people said in the Kaiser/Harvard survey, where 17 percent said they wanted to appeal to an independent reviewer when their health plan wouldn't cover a treatment. In reality, health analysts say, most people just don't go to the trouble.

But when they are used, the external appeals can make a difference. According to the GAO, 60 percent of the Florida appeals were decided in favor of the patients. And these weren't trivial issues — they included emergency care and services the HMOs didn't think were "medically necessary." That phrase alone sums up much of what critics say is wrong with managed care. Linda Peeno, a former managed care medical reviewer, says plans often draw their definitions of "medically necessary" as narrowly as possible to save money, and that appeals to the plan don't do any good because they just use the same criteria they used to turn you down in the first place.

It's not always that simple, of course. Business groups say they need some discretion to say no to clearly unnecessary services, because without it you're back to the bad old days of exploding health costs. And some experimental treatments just flat out aren't safe. That's why Trigon Blue Cross Blue Shield, which runs the HealthKeepers HMOs, says it covers bone marrow transplants and other cancer treatments only if they have a solid record of safety and effectiveness. "We want to be able to do everything we can for our members, but we do require that there be a proven track record," says Trigon spokeswoman Brooke Taylor. But supporters of external appeals say they can help settle those questions too; some appeals have ended with the review board telling the patient, "Your doctor almost killed you."

If anything, the rare use of external appeals should make it a cheap fix. Because the appeals aren't likely to be used that much, Coopers & Lybrand figures a federal law would cost an average of 10 cents a person each month, while the Lewin Group says it would cost seven cents. That's well within the range of what the polls say people will accept. And while most people may not need it, supporters say, the ones who do can really use it. Just ask Matthew Cerniglia. "I firm-

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ly believe that if he had had an external appeal, he would have been okay," says Hall of the Center for Patient Advocacy.

Or you can ask Ronald J. Turner. His wife, Charlotte, had breast cancer, and by May 1993 it had metastasized. Her doctor in Massachusetts said she needed a procedure called an autologous bone marrow transplant, in which white blood cells would have been removed from her bone marrow, allowing her to undergo high-dose chemotherapy to kill the cancer, and then the white blood cells would have been returned to revive her immune system. But her HMO, Fallon Community Health Plan Inc., said no. Under the Fallon handbook, autologous bone marrow transplants weren't covered for solid tumors.

She appealed to the HMO, and Fallon agreed to change its policy — but it would cover the procedure only under a particular transplant program that she didn't qualify for. She appealed to the plan again to cover her under a different program, but Fallon said no. In less than a year, Charlotte Turner was dead. Because of ERISA, Ronald Turner couldn't collect any damages, and that's why there's so much pressure for new liability for health plans. But the other side of the story is, the Turners never got to appeal to anyone outside of Fallon. If they had, perhaps the story would have had a different ending.

A Solution Everyone Can Live With

It's not hard to predict how the compromise might look. To avoid breaking the bank with tons of external appeals, there would be reasonable limits on the kinds of benefit decisions that could be appealed, a key concern voiced by the American Association of Health Plans. And patients would have to exhaust all of the internal appeals rather than going straight to the outside reviewers, a common safeguard in most of the state appeal laws. If you're dying, of course, you can't go through all that. So there'd be a super-quick appeals process for urgent cases, and if Norwood gets his way, there'd be something to make sure you don't have to get prior approval at all if it's really an emergency.

In return, the review panels would have to be truly independent, the main concern of Democrats and consumer groups. They say that's a weakness in some of the state laws that allow the health plans to pick the reviewers. Since the plans usually have to pay for the outside reviews, they say, the plans will just pick someone who always agrees with them. To keep the reviewers honest, either the state or the consumer has to pick them, or at least the consumer has to have the right to veto the health plan's choices, according to

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GREG HITT AND PHIL KUNTZ

"A Word in Trent Lott's Ear"

The Wall Street Journal

In an incisive account of what is wrong with campaign finance, Hitt and Kuntz dig through 144 major donors to Sen. Trent Lott, including some borderline illegal practices. Former Bush presidential counsel C. Boyden Gray, himself a TV critic of Democratic ethics, funneled $5,000 in donations through his own secretary. Gray has exceeded the $25,000 cap on campaign contributions almost every year since 1994.

CHARLES BABINGTON AND IRA CHOY

"Government's Games: Peddling Dreams"

The Washington Post

A shocking look at how involved government has gotten in the business of persuading its citizens — especially the poorest — to gamble.

THE MONTHLY JOURNALISM AWARD is presented each month to one or more newspaper, magazine, radio, or television stories (or series of stories) that demonstrate a commitment to the public interest. We are particularly interested in reporting that explains the successes and failures of government agencies at all levels and of other institutions such as the media, corporations, unions, and foundations that contribute to the existence or solution of public problems. Please send nominations (including two copies of the article or broadcast text) to Monthly Journalism Award, 1611 Connecticut Ave. NW, Washington, DC 20009. Nominations for stories run in June and July are due August 3.

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Adrienne Mitchem of Consumers Union.

This still leaves some big decisions. For one thing, whoever writes the compromise will have to decide what to do about these "contractual decisions," when the patient needs something and the plan contract says it isn't covered. If the reviewers can second-guess that decision, managed care officials say they'd have too much power; if they can't, they won't be able to help people like Matthew Cerniglia.

And for those who want to hold plans accountable for bad behavior, external appeals don't include any penalties. They haven't been tried in any of the existing programs, and congressional staffers say you can't really pull it off in an appeals process — how do you prove a plan acted in bad faith? That's what the courts are for, they say. But legal liability for denying benefits, which the Clinton administration says would make plans less likely to stall and delay, isn't likely to make it into the compromise. So there's already talk of trying to include some other kind of penalties — anything other than lawsuits. They don't have to be heavy-handed. One idea is just to let everyone know which health plans are getting into the most trouble so the businesses and consumers can go somewhere else. You'd have the states publicize all the figures on how many appeals each plan had and how many times they were overruled. Texas is already doing something like this; it's putting information on the Internet about the kinds of complaints it's getting about different HMOs and health insurers. That doesn't help people who can't afford computers, critics say, but it's a start.

It'll take a while to get the compromise. Right now, consumer groups think it would be a defeat not to get both external appeals and liability for health plans. The managed care industry and business groups don't want any legislation at all, and they're spending a lot of money to fight it. They say the problem has been overstated in any case; according to a survey of physicians published by the Blue Cross and Blue Shield Association, only about 3 percent of the medical services recommended by physicians ultimately are turned down. And when the problems do come up, the managed care and business officials say, they'll handle it voluntarily. Some companies, like GTE, are happily giving external appeals and other patient protections to their workers. They just don't want to be told to do it. "Things go wrong in health plans all the time. Things go wrong in hospitals. Things go wrong with physicians," said Karen Ignagni of the American Association of Health Plans at an April press conference. "But can we expect the federal government to solve each and every one of these issues?"

The answer is no — and that's exactly why so many people in Congress like the external appeals idea; they say it doesn't give the feds that much to do. Congress has to step in to give everyone the right, of course. And states might certify the reviewers and possibly pick them, depending on whose proposal you like. After that, supporters say, the appeals ought to work pretty much on their own. "On the whole, it's pretty hands-off," says one Senate Democratic aide.

Most of all, supporters say external appeals will put the fear of God into managed care plans. The plans will be more likely to approve appropriate medical treatment, they say, because the decisions will have to stand up to an outside review. Consumers will be better off, the Lewin Group says, because they'll have more confidence that their health plans aren't just looking for the decision that will save the most money. And since a lot of health plans already offer external appeals, it shouldn't be a huge burden on the industry, says White House health policy adviser Chris Jennings. Instead, he says, "it will give consumers more confidence in their health care plans, which will benefit not only the public, but the managed care industry itself."

Ray Cerniglia just wants something to happen. All he has right now, he says, is a one-sided appeals process where the health plan calls all the shots and "the appeal is to determine whether it's covered in the contract, not what's best for patients." If there's a way to win the public's confidence back for 10 cents a month, and it can keep the federal government at arm's length, that might start looking pretty good to Congress. Did we mention it's an election year? ●

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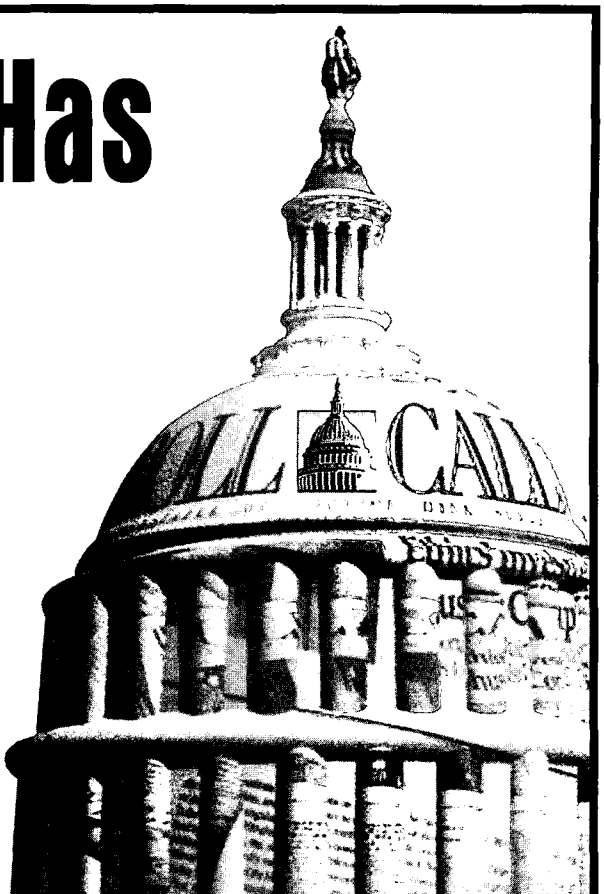

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Keeping Up With the Trumps

How the middle class identifies with the rich

BY JULIET B. SCHOR

FOR MOST OF US, SOCIAL SPACE BEGINS with relatives, friends, and co-workers. These are the people whose spending patterns we know and care most about. They are the people against whom we judge our own material lifestyles, and with whom we try and keep up. The comparisons we make between ourselves and them matter deeply to us. And we act upon that deep feeling. According to the research I have done, how people stack up financially against the group with which they most often compare themselves, or their reference group, has an enormous impact on their overall spending. I began my study by asking all the respondents at the company where I was conducting my research to identify their primary reference group. I then asked them, "How does your financial status compare to that of most of the members of the reference group you have chosen?" Is it just about the same? Are you better off? Much better off? Are you worse off than the people you compare yourself to?

I elicited this information in order to figure out whether Americans really do keep up with others. I reasoned that a person who is trying to associate or identify with a group above himself or herself will spend more, all other things being equal, than someone who has chosen a comparison group of people with less money. If a university professor tries to keep up with her college friends who have all gone into investment banking, according to my theory there's a decent chance she'll be sinking into consumer debt (or at least not saving much). On the other hand, the theory predicts that the senior vice president who hangs onto his old buddies from middle management is likely to build a tidy bank balance. The idea is that where you stand relative to those with whom you compare yourself has a significant impact on your spending.

Just asking people about this doesn't yield much information. Americans have a lot of psychological resistance to recognizing and admitting the extent to which they follow the lead of others. People say they don't do it — but my evidence shows they do.

What is that evidence? I estimated statistical equations that explained the amount of saving and spending each person did in the year of the survey. I included a wide range of factors likely to affect spending, such as the respondent's age, number of dependents, household income in that year, long-term expected income (or what economists call permanent income), age, and so on. These are the standard variables that economists typically use to explain variations in spending propensities across the population. Then I added my own comparative variable — how the respondent stacked up financially compared to his or her reference group.

As it turns out, this variable has a very large impact. In the savings equation, each step a respondent moved down the scale (from much better off than the reference group to better off) reduced the amount saved by $2,953 a year. Moving down two steps reduced saving by twice that. The sheer magnitude of this effect can be appreciated when we remember that

From the book The Overspent American: Upscaling, Downshifting, and the New Consumer. *Copyright © 1998 by* JULIET B. SCHOR. *Reprinted by permission of Basic Books.*

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the average employee at the company where I conducted my research saved only $10,450 per year, including retirement savings. According to these estimates, disaster ensues as a person slides down the reference group scale. Moving from the top to the bottom would lead you to save $15,000 less each year — or more likely, to take on some of that amount in debt.

Screen With Envy

While television has long been suspected as a promoter of consumer desire, there has been little hard evidence to support that view, at least for adult spending. After all, there's not an obvious connection. Many of the products advertised on television are everyday low-cost items such as aspirin, laundry detergent, and deodorant. Those TV ads are hardly a spur to excessive consumerism. Leaving aside other kinds of ads for the moment (for cars, diamonds, perfume) there's another counter to the argument that television causes consumerism: TV is a substitute for spending. One of the few remaining free activities, TV is a popular alternative to costly recreational spending such as movies, concerts, and restaurants. If it causes us to spend, that effect must be powerful enough to overcome its propensity to save us money.

Apparently it is. My research shows that the more TV a person watches, the more he or she spends. The likely explanation for the link between television and spending is that what we see on TV inflates our sense of what's normal. The lifestyles depicted on television are far different from the average American's: With a few exceptions, TV characters are upper-middle class, or even rich.

Studies by the consumer researchers Thomas O'Guinn and L.J. Shrum confirm this upward situation. The more people watch television, the more they think American households have tennis courts, private planes, convertibles, car telephones, maids, and swimming pools. Heavy watchers also overestimate the portion of the population who are millionaires, have had cosmetic surgery, and belong to a private gym, as well as those suffering from dandruff, bladder control problems, gingivitis, athlete's foot, and hemorrhoids (the effect of all those ads for everyday products). What one watches also matters. Dramatic shows — both daytime soap operas and prime time — have a stronger impact on viewer perceptions than other kinds of programs (say news, sports, or weather).

Heavy watchers are not the only ones, however, who tend to overestimate standards of living. Almost everyone does. (And almost everyone watches TV.) In one study, ownership rates for 22 of 27 consumer products were generally overstated. Your own financial position also matters. Television inflates standards for lower-, average-, and above-average-income students, but it does the reverse for really wealthy ones. (Among those raised in a financially rarefied atmosphere, TV is almost a reality check.) Social theories of consumption hold that the inflated sense of consumer norms promulgated by the media raises people's aspirations and leads them to buy more. In the words of one Los Angeles resident, commenting on this media tendency, "They try to portray that an upper-class lifestyle is normal and typical and that we should all have it."

Television also affects norms by giving us real information about how other people live and what they have. It allows us to be voyeurs, opening the door to the "private world" inside the homes and lives of others. There was a time when we didn't need television to get such information. In the past, homes, possessions, and habits were much more open to view and fully part of what Erving Goffman has called the system of "impression management." But as we have gotten richer, we have become more private. Much more private. We may not surface between the garage and the house. We rarely linger on the street. We build a deck instead of a front porch. We almost never hang out in our front yards. Indeed, as I unpacked a box in my front yard the other day so I could keep an eye on the kids, a drive-by shopper stopped by my "yard sale." (Apparently the only thing we use our front yards for now is to sell the junk we can't fit inside.) As O'Guinn and Shrum note, television has replaced personal contact as our source of information about "what members of other social classes have and how they consume, even behind their closed doors."

Another piece of evidence for the TV-spending link is the apparent correlation between debt and excessive TV viewing. In the Merck Family Fund poll, the fraction responding that they "watch too much TV" rose steadily with indebtedness. More than half (56 percent) of all those who reported themselves "heavily" in debt also said they watched too much TV.

It is partly because of television that the top 20 percent of the income distribution, and even the top 5 percent within it, has become so important in setting and escalating consumption standards for more than just the people immediately below them. Television lets everyone see what these folks have and allows viewers to want it in concrete, product-specific ways.

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Let's not forget that television programming and movies are increasingly filled with product placements — the use of identifiable brands by characters. TV shows and movies are more and more like running ads. We've become so inured to this practice that it's hard to remember that a can of soda in TV show was once labeled "soda" rather than "Coke" or "Pepsi."

One research study about television and consumer desires found that as television was introduced in America, it led to a significant increase in crime. Looking across different locales, before and after the introduction of television in the 1950s, Karen Hennigan and her colleagues found that one type of crime jumped up significantly. Not violence, not rape, not murder, but larceny. Larceny is a crime of property, mostly committed by lower-income people. Seeing all those products on television made people who didn't have them, and couldn't afford to buy them, really want them. Want them enough to steal them.

The more people watch TV, the more they think American households have tennis courts, private planes, convertibles, car telephones, maids, and swimming pools.

Part of what keeps the see-want-borrow-and-buy sequence going is lack of attention. Americans live with high levels of denial about their spending patterns. We spend more than we realize, hold more debt than we admit to, and ignore many of the moral conflicts surrounding our acquisitions. The importance of denial for dysfunctional consumers has been well documented. We've all heard the stories about people who drive around in cars full of unpaid credit card bills, who sneak into the guest room at 2:00 A.M. to make a QVC purchase, or who quietly slip off at lunchtime for a quick trip to the mall. What is not well understood is that the spending of many normal consumers is also predicated on denial. (How many times have you heard someone say, "Oh, I'm not materialistic, I'm just into books and CDs — and travel"?)

Nowhere is denial so evident as with credit cards. Contrary to economists' usual portrayal of credit card debtors as fully rational consumers who use the cards to smooth out temporary shortfalls in income, the finding of the University of Maryland economist Larry Ausubel was that people greatly underestimate the amount of debt they hold on their cards — 1992's actual $182 billion in debt was thought to be a mere $70 billion. Furthermore, most people do not expect to use their cards to borrow, but, of course, they do. Eighty percent end up paying finance charges within any given year, with just under half (47 percent) always holding unpaid balances.

Not paying attention to what we spend is also very common. How many of us really keep track of where the cash from the ATM goes? Most Americans don't budget. And they don't watch. Many "fritter," as this downshifter recalled: "All I know is at the end of the month I never had anything left. And so I have to say I spent it all. I don't know what I frittered away. I certainly could have cut my frittering in half, whatever that means. I really don't know what I spent the money on." Doris Shepley recalls her shopping pattern: "Mine was more of a mindless thing." Rich Moroni found himself "not paying any attention. We spent $10,000 on credit cards last year, and then really never kept track of what it was we were spending on there, going to the mall, buying some things. And that adds up. We had to really examine where all of our money was going. And I would submit to you that most of it was the little stuff that added up over a period of time."

Fear of Falling

Fifty years ago, most people just wanted to secure their place in the American middle class, doing whatever it took to stay there, At one time, that was acquiring a houseful of "decencies," the status symbols of the middle class, situated between the necessities of the poor and the luxuries of the rich. Today, in a world where being middle-class is not good enough for many people and indeed that social category seems like an endangered species, securing a place means going upscale. But when everyone's doing it, upscaling can mean simply keeping up. Even when we are aiming high, there's a strong defensive component to our comparisons. We don't want to fall behind or lose the place we've carved out for ourselves. We don't want to get stuck in the "wrong" lifestyle cluster. How we spend has become a crucial part of our self-image, personal identity, and social network.

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The historical record highlights the fact that beneath — indeed driving — our system of competitive consumption are deep class inequalities. The classless-society and end-of-ideology literature of 25 years ago turns out to have been wishful thinking. Ironically, inequality began to arise soon after these ideas appeared. The dirty little secret of American society is that not everyone did become middle-class. We still have rich and poor and gradations in between. Class background and income level affect not only the obvious — if and where you go to college, the quality of your children's elementary school, the kind of job you get — but also your likelihood of getting heart disease, the way you talk, and how respectfully you're treated by others. At all levels of the class structure, we are motivated, as Barbara Ehrenreich put it some years ago, by "fear of falling." Accounts of downsizing captured the nation's imagination in the 1990s: the laid-off plant manager who clung to his aging Mercedes, suspenders, and sprawling suburban home, depleting his retirement fund in the process; the divorced engraving company employee clutching the remnants of her middle-class existence but reduced to burying her food in the snow in the yard because she could not afford a new refrigerator; unemployed aerospace workers waging a daily battle not to lose their homes and slip into the scary world of poverty. They found themselves driving around without a spare tire, giving up their health insurance, and waiting between haircuts as long as possible. At all levels, a structure of inequality injects insecurity and fear into our psyches. The penalties of dropping down are perhaps the most powerful psychological hooks that keep us keeping up, even as the heights get dizzying.

However rational it may be for individuals to keep up with the upscaling of consumer standards, it can be deeply irrational for society as a whole. Or, as one Chicago woman put it, "We'd all be better off if we cared less about what someone's wearing and what kind of a car they're driving or where they're living." Like standing up in a crowd to get a better view, it stops working once others do it too. In the end, the view is the same, but everyone's legs are tired. The more our consumer satisfaction is tied into social comparisons — whether upscaling, just keeping up, or not falling too far behind — the less we achieve when consumption grows, because the people we compare ourselves to are also experiencing rising consumption. Our relative position does not change. Jones' delight at being able to afford the Honda Accord is dampened when he sees Smith's new Camry. Both must put in long hours to make the payments, suffer with congested highways and dirty air, and have less in the bank at the end of the day. And both remain frustrated when they think about the Land Cruiser down the street.

Of course, relative positions do change. Some people get promotions or pay raises that place them higher up in the hierarchy. Others fall behind. But these random changes cancel each other out. Of more interest is how the broad social groupings that make up the major comparison groups fare. From the end of the Second World War until the mid-1970s, growth was relatively equally distributed. The rough doubling in living standards was experienced by most Americans, including the poor. In fact, the income distribution was even compressed, as people at the bottom gained some ground relative to those at the top. Since then, however, and particularly since the 1980s, the income groups have diverged.

Middle-class Americans began to experience themselves falling behind as their slow-growing wages and salaries lagged behind those of the groups above them. Their anxiety grew, and it became commonplace that it was no longer possible to achieve a middle-class standard of living on one salary. At the same time, increasing numbers began to lose completely the respectability that defined their class. Below them, a segment of downwardly mobile working people found that their reduced job prospects and declining wages had placed them in the ranks of the working poor. And the nonemployed poor fell even further as their numbers grew and their average income fell.

Thus, relative position has worsened for most people, making it increasingly difficult to keep up. The excitement, convenience, or joy that households may have experienced through the billions in additional spending between 1979 and the present seems to have been overshadowed by feelings of deprivation. Among the upper echelons, all those personal computers, steam showers, Caribbean vacations, and piano lessons have not been sufficient to offset the anxieties inherent in a rapidly upscaling society.

The current mood has led to nostalgia about the older, simpler version of the American dream. There is a palpable sense of unease, a yearning for the less expansive, and less expensive, aspirations of our parents. In the words of one young man, "My dream is to build my own house. When my parents grew up, they weren't so much 'I want this, I've got to have that.' They just wanted to be comfortable. Now we're more — I know I am — 'I need this.' And it's not really a need." ●

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Blaming Parents

How parents lose out in the clash of work and family

By Anita Garey

THE WAR AGAINST PARENTS: What We Can Do for America's Beleaguered Moms and Dads
By Sylvia Ann Hewlett and Cornel West
Houghton Mifflin, $24

LAST WEEK I RECEIVED A telephone call from a journalist who was writing a story on how parents who work non-traditional hours could help their children "adjust" to their abnormal employment schedules. Her intentions were good — she wanted to provide a "how to parent" article that would help mothers and fathers who worked evenings and nights – but she had missed the critical point that many parents work such hours precisely so that they can parent in a manner they believe is best for their children. Mothers work nights so that they can be home during the day when children return from school, so that they can have a family dinner ready when fathers return from work in the evening, so that they can be available at a moment's notice if the school calls about a problem or a sick child. Fathers and mothers stagger their hours of employment so that one parent is always home and available for their children, a family strategy that maximizes parental time with children while minimizing couple time. In my research on women hospital workers' strategies of combining work and family, I found that mothers and fathers often twist themselves into pretzels to provide the kind of parenting they feel children need. "Beleaguered" certainly describes them and others I interviewed, and Sylvia Ann Hewlett and Cornel West's book promised to be a welcome response to the parent-blaming that is often the first response of politicians and social commentators to the problems of our society.

For the most part, the book delivers on this promise. Hewlett and West write passionately and clearly about the difficult social and political climate parents face. They talk in terms of the "war against parents," "the parent-hurting society," and "the agony of the impossible pressures and choices our society thrusts upon moms and dads." They argue that children are not doing well (as measured by child poverty rates, SAT scores, juvenile crime rates, school drop-out rates, and so on), and that they are not doing well because of a "truly frightening erosion of the parental role — of the ability of moms and dads to come through for their children." While they causally link children's outcomes with parental performance, the authors shift the issue of "blame" to contemporary economic, political, and social forces. The erosion of the parental role is "not because parents are less devoted than they used to be. They do not love their children less. The truth is, the whole world is pitted against them."

This is a bold argument, and one that Hewlett and West make well. In separate chapters on the economy, government policies, and popular culture, the authors detail the impact on parents of the social changes of the last 35 years. Hewlett and West take the post-World War II period of the 1950s as a point of comparison, but rather than comparing the present to a romanticized and mythical 1950s, they focus instead on the economy and on government policies. Unlike the 30 years after World War II, when all sectors of society experienced an increase in real income, today's families have experienced falling real incomes. The authors argue convincingly that the situation facing parents, as workers, is not a result of global competitive pressures (often used as an excuse for the wage squeeze), but of government-supported corporate and managerial

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greed. Statistics on wage levels, wage distribution, buying power, and corporate profits support their case. The anti-union tactics of the 1970s, the decline in employer-provided health benefits, the inadequacy of the minimum wage, the increasing insecurity of jobs, and the highly inequitable distribution of wages between workers and management have led to a situation in which "America is now the most unequal country in the advanced democratic world, the only rich nation in which a majority of working people actually have lower incomes than they did 25 years ago." This has serious consequences for our abilities to parent.

Turning to the direct effects of government, Hewlett and West compare the tax codes, housing policies, and government subsidies of the post World War II era with changes in government policies in the last 30 years. What is so important about this comparison is that Hewlett and West remind us that, through the GI Bill and tax codes which were preferential to families, the U.S. did at one time help to support its children by subsidizing many parents in the fundamentals of family life: income, education, housing. Current tax codes and housing policies are shown to be abdications of the government's responsibility to families, while other family-related government initiatives, such as certain child welfare policies, are presented as actively antagonistic to families. The chapter on "A Poisonous Popular Culture" documents the ways in which the media, with parent-bashing movies, sitcoms, and song lyrics, reflect and reinforce the war against parents.

The War Against Parents is not, however, aimed simply at making the case that our society is hurtful to parents, and therefore to children. As Hewlett and West state in their prologue, "the main thrust of this book [is]: What can this society do to revalue and revitalize the art and practice of parenting and thus replenish our children and renew our nation?" To that end, they conclude the book with a Parents' Bill of Rights, which they present as their "blueprint for supporting families." Modeled on the GI Bill, the Parents Bill of Rights includes concrete suggestions for ways to address the major problems faced by parents: economic pressures, time pressures, and the undermining of parental status.

There is much food for thought in this section. Included in the bill are economic proposals such as: paid, job-protected parenting leave for 24 weeks to be taken by one parent or split between two parents, and to be available until a child's sixth birthday; a mandatory 10-day parenting leave for new fathers; tax incentives for companies that offer family-friendly scheduling; subsidies to bring wages to the level where a full-time worker with two dependents would stay above the poverty line; school to work programs; suggestions for tax policies that would support families; housing and mortgage subsidies for families with children.

In addition, the Parents' Bill of Rights includes proposals for increasing parents' political clout by fostering voter turnout in general, as well as offering incentives aimed specifically at parents, such as allowing them to vote on behalf of their children who are under voting age. And there are proposals aimed at social regulation, such as covenant marriages, stricter divorce laws, generous visitation for noncustodial parents, and adoption assistance. Education and child care proposals include extending the school day and the school year, integrating child care into the schools, and increasing government investment in education and child care.

While reading *The War Against Parents*, I was struck by what a strategically smart book it is in many ways. For one thing, it tries to place the blame for the dearth of family-friendly policies on both conservative and liberal political schools of thought. Conservatives, they argue, want an unregulated market but strict controls in such family-related areas as abortion, divorce, marriage, and births to unmarried women. But, they caution, what conservatives fail to recognize is that private enterprise affects private life: "Television was deregulated, gambling was legalized, trade unions were beaten back, and the minimum wage was frozen, all in the name of freeing up markets. In different ways, each of these conservative policies — many of which continue to the present day — has diminished parents' ability to do a good job by their children." Liberals, on the other hand, want government control in economic life, but value freedom of choice in the social and personal sphere. Liberals, we are told, are too individualistic. The only government policy that the authors actually link to the undermining of parents by liberals is no-fault divorce, an example they give in several places to make the same point. Otherwise, they restrict their criticism of liberal thought to ideas about self-actualization and to Hollywood stars who choose to have children without the benefit of marriage. Hewlett and West, however, try to distance themselves from both conservatives and liberals by arguing that "both schools of thought clobber kids."

The book is also strategically smart in its call for a parents' movement, an AARP-style organization that would unite people across lines of race, class, and gender and around a common identity as parents. It is daring, in an age of identity politics, to suggest uniting around an identity so commonly shared. There are,

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however, problems with Hewlett and West's attempts to present the interests of all parents as similar. For example, in their discussion of the unintended negative consequences of social welfare programs, they note that families of color were unfairly targeted, and social workers and other professionals often confused material want with parental neglect. This isn't simply an example of a war on parents, but rather a war on particular kinds of parents — on poor parents and parents of color — by social welfare professionals, many of whom are also parents.

The War Against Parents is an important book for raising critical issues and daring to suggest concrete proposals. I am distressed, however, by the use of evidence — or the lack of it — in parts of this book. While the chapters on the economic and political undermining of parents are the strongest and most well-supported chapters, other sections rely on unsupported rhetoric. The chapter on "The Disabling of Dads" is particularly sloppy. The issue of men's connections to families is a very real problem, and it does a disservice to continue to treat the issue as one of men who are disenfranchised and wounded by individualistic women who sacrifice their children's need for their father to a belief "that fathers don't matter — a point of view encouraged by modern feminism." Since, over the last 25 years, the main thrust of modern feminist scholarship on families has been to criticize the sexual division of labor and to argue for men's full participation in child care, this seems an unfair charge.

In spite of its problems, and there are many, *The War Against Parents* makes a good case for the needs of parents and the well-being of children — and parents need all the help they can get. ●

Playing to the Crowd

Why televising trials will turn our courtrooms into circuses

By Abner Mikva

TV OR NOT TV: Television, Justice, and the Courts
By Ronald Goldfarb
New York University Press, $24.95

LAST MONTH, THE U.S. HOUSE of Representatives passed a bill authorizing every federal judge to decide whether or not to allow the televising of the trial in every particular case. The bill has a long way to go before it becomes law (there are many other far-reaching, unrelated, and controversial changes in court procedure set forth in the bill, and the President has already indicated it is a candidate for his veto), but it will undoubtedly give comfort to Ronald Goldfarb, author of *TV or Not TV*. He freely predicts that all courtrooms in the future will be equipped with cameras. I hope he is as wrong about his conclusion as he is about the way he comes to it.

Since Goldfarb is a practicing litigator, he has to contend with the question that frames the debate about cameras in the courtroom: Does TV affect the procedures or the results of the trial? While he seems to answer that in the affirmative, he is less than clear as to whether the consequences should concern us.

According to Goldfarb, all high-profile trials are impacted by the publicity given to them. He starts off with the famous case of John Peter Zenger in 1734, whose trial helped to shape our commitment to a free press. The presence of a large, sympathetic audience was the equivalent of today's modern television audience. In Goldfarb's progression, all the "trials of the century" — the alienation-of-affection trial of Henry Ward Beecher, the Harry Thaw-Evelyn Nesbitt trial that has just been rejuvenated as a part of the musical "Ragtime," the Scopes theory of evolution trial, the Bruno Hauptmann kidnapping trial — were impacted by the heightened publicity of an expanding communication technology. To Goldfarb, television is just another new medium that adds to the noise about a trial, but doesn't change its nature. A public trial is one of our society's values; the more public interest, the more it can impact the way the trial comes out; tele-

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vision is just the newest medium that expands the universe of people who can be a part of that public. It follows that cameras in the courtroom are OK.

I must have missed something. I confess that I did not watch a lot of the O.J. Simpson trial (it was too painful). But I watched enough to see lawyers who were hamboning it up, not for the jury, but for the 6 o'clock news. I saw a judge who could not reclaim his turf sufficiently to preside over the trial, but seemed rather to be overwhelmed by his inability to compete with all the star power of lawyers and defendant. I saw a trial that went on for months longer than it should have because the participants seemed to be enjoying all of the attention. I saw more bad information distributed about the criminal justice system by instant experts who should have known better — and by a judge who may have been the second biggest beneficiary of the not guilty verdict. (None of his rulings will ever be reviewed by an appellate authority.) I saw witnesses who paid more attention to the color of their ties than the color of their testimony.

I saw the greatest travesty of justice imaginable in the O.J. Simpson trial — and I don't even spoon in the verdict. I saw a spectacle that will haunt the legal and criminal justice systems for years as to what a criminal trial should not be. To say that the impact of television on the Simpson trial was only a difference in degree from the impact of the courtroom crowds in the John Peter Zenger trial is like saying that my grandson and Michael Jordan both play basketball. At some point, it's more than a difference in size.

There is a lot in Mr. Goldfarb's book about the people's right to know. I made many of those same arguments myself as a member of Congress. While television coverage of the Congress has not been without its cost (Newton Gingrich's success can be directly traced to his capacity to persuade C-SPAN audiences that his colloquies with one or two of his buddies, before an empty chamber, after the House had adjourned, were of great moment), the legislative process will survive. I am not as sanguine about the judicial process.

The decisional process of the courts and the Congress is altogether different. We want as much public participation as we can get in the congressional process. Policy decisions are supposed to be as broad-based as possible — not because we are sure that better decisions will result — but because whatever the decision, right or wrong, there is a legitimacy to a broad-based, fully participatory decision. That is emphatically not the way we believe that court decisions should be made.

We do not want the criminal justice system of the French Revolution, where the crowd in the square would signal by their thumbs whether or not the accused should get the guillotine. We don't want an interactive television system to allow lawyers to tell the judge or the jury that "over two-thirds of our viewers think you should rule for the plaintiff." We expect judges and jurors to make decisions that may well be unpopular — antimajoritarian. Televising the trial events makes it harder to achieve that difficult goal.

The advocates of television in the courtroom argue that modern television techniques are so unobtrusive that any adverse impact can be avoided. While the absence of the Klieg lights and the large cameras have made it easier to ignore the physical presence of television apparatus, it does nothing about the awareness that the person being televised will have their likeness, their words, their gestures, their ear-scratching spread nationwide. We can hope that judges, especially non-elected judges, can become impervious to such consequences. I have known a lot of appointed judges over the years, and I can only hope. But we have no reason to expect the other actors in a court drama to be so impervious. For the witnesses and the jurors and the parties, it may well be their first exposure to nationwide scrutiny. Most parties have not been in the business of making television commercials for Hertz. While the lawyers may not be quite as unexposed, it is hard not to think of how useful a telegenic performance would be to future career. Johnny Cochran's performance was so good that the criminal bar may have lost a valuable practitioner.

Elected judges present still another variation on the theme. C-SPAN watchers have become aware of the phenomenon of the members of Congress who use the availability of the television camera to get in a few licks for reelection while supposedly debating a bill before Congress. I wonder how many elected trial judges are using television in the courtroom for similar purposes. I find the chart showing the number of states already allowing cameras in the courtrooms a very troubling statistic.

Televising appellate proceedings, including those of the Supreme Court, does not create the problems that would occur in the trial courts. While there would not be much interest in most appellate cases, the salutary effects far outweigh any downside. While it may take something like the House bill I referred to earlier to persuade Justice Antonin Scalia, Mr. Goldfarb's prediction about the future might occur in the appellate courts. But I think he is wrong, and I sure hope he is wrong, about the trial courts.

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Taste For Sale

How Sotheby's sold taste as an avenue to class

By Suzannah Lessard

SOTHEBY'S: Bidding for Class
By Robert Lacey
Little, Brown & Co.
$26.95

FOR ANYONE INTERESTED in the history of the class system in the Western world, this book is a delightful romp. You start in the 18th century, when auction houses had the sheen of a cross between a pawn shop and whorehouse — because they facilitated the dismantling of hereditary worlds — and you end up with Jackie Kennedy sending Caroline to apprentice at Sotheby's to acquire the ultimate shine in social polish. The book is all about things, often beautiful things, but not always: King Farouk's collection of aspirin tins — Sotheby's moved in fast when the regime fell — could hardly be regarded as beautiful. It is all about things and the mystique they can confer on their owners, often a mystique conferred by the identity of the previous owner, as in the case of the aspirin tins, though the provenance of genuine heirlooms has, from the beginning, added to the willingness of a buyer to pay more. It's on these occasions that one sees plainly the function of the auction house as the agent whereby status was transferred first from a feudal world to an industrial one, and then, over and over again, from old money to new.

There are many aspects of this process that are fascinating. One is that a company like Sotheby's, by putting sacred objects on the block, was in the business of deconstructing the mystique of hereditary wealth and then of art as well — bringing it down to dollars and cents — and by doing so gradually came to acquire that mystique itself. (Today buyers often leave the Sotheby sticker on their purchases because of the aura of class that this — rather than the previous owner — now confers.) Another intriguing element is intrigue: A certain scurrilous side of the business survived Sotheby's ascendancy into the stratosphere, including routine smuggling in order to evade inconvenient laws — Peregrine Pollen boarding a plane in Buenos Aires with three very fine impressionist canvases rolled up in a poster tucked under his arm; acceptance and laundering of the products of illegal excavations; passing the objects on to museums happy to allow the old established name of Sotheby's to provide cover; facilitating tax evasion by the wealthy through the international transfer of art; and all sorts of tricky practices surrounding the auctions themselves, such as extending substantial credit to bidders who outstrip their capacity to pay in order to drive up the market. "Sotheby's had no monopoly on amorality, but, as in so many areas, they practiced it better than anyone else," writes Lacey.

So thick is the element of intrigue that Peter Wilson, for many years the head of Sotheby's in this century, was believed by many to be the fifth man in the Burgess-McLean operation. He wasn't, but right up to the very end he had his hands in what are euphemistically called "complicated" art deals. Wilson was the perfect Sotheby's man, a penniless aristocrat at home in the highest circles yet capable of great ruthlessness, a man who made his own rules, above all a man with a passion for beautiful objects, a mercurial man with a great eye.

It would be entirely wrong, however, to view Sotheby's as purely a trader in the snake oil of snobbery. Houses like Sotheby's — they have been neck and neck with Christies since the two started out over 200 years ago — prospered through the tumult of changing times by developing a very solid skill, which was expertise about the objects that they sold. Aristocratic owners were often fuzzy about these matters, having plundered them, in many cases, from equally fuzzy European compatriots who had fallen on hard times, such as the French Revolution. Aris-

SUZANNAH LESSARD, *a contributing editor of* The Washington Monthly *and frequent contributor to the* New Yorker *and* The New York Times Magazine, *is currently writing a book on the state of American society as interpreted through the landscape.*

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tocratic owners had taste, and so did Sotheby's, but Sotheby's could also spot a fake, which is not always the same thing as taste, and Sotheby's could identify great rarity — and therefore great worth — which is not always the same thing as taste either. Never, ever did Sotheby's involve itself in passing fakes, or anything of the sort, however mixed up in raffish activities the company might otherwise have been. (This combination of values was seen in even higher relief in Anthony Blunt, who actually *was* a double agent, and yet was also a passionate lover of art who never would have compromised the truth where matters of scholarship were concerned.) This scholarly capability, this ability to identify provenances exactly both displaced aristocratic connoisseurship and further demystified objects. It was Sotheby's expertise that created a dependency on the part of traffickers in the symbols of class — whether buyers or sellers — that, ironically, slowly raised Sotheby's to the point that the name itself was a kind of imprimatur of class.

There is another story well told here, which is that of an idiosyncratic business rich in character and independent in its values — "a complex and creative world that lived by its own rules" as Lacey puts it — that is slowly overtaken by the cold corporate world of the late 20th century. The experts are out and the downsizers are in and it becomes all about making money efficiently. Some practices, perhaps, needed to be reformed. "Puzzled as to why the accounts department, which incurred regular bills for weekend overtime, was taking so long to produce figures, [the corporate manager] asked John Cann, the director of administration, to investigate. 'They are having orgies,' Cann reported. 'They are coming in on Sundays and having sex.'" But even a sex-free staff was unable to produce proper figures because none had been kept. "'It was a clash of philosophies,' remembers Peregrine Pollen. 'Traditionally we had always taken risks and we lived on our wits. The record keeping did not matter, and we didn't worry much about the expenses either. We didn't worry about the bottom line.'" Lacey speculates that, following new wealth as always, the field of action for Sotheby's in the next century will be in Asia as it was in America in this century: Perhaps the book went to press before the recent crash in Asia, but the point is that the West is likely to be left behind for classes elsewhere that are scrambling to acquire our worst characteristics.

This is a paradox of democracy: The more open a system becomes, the more enamored those who succeed seem to be of the trappings of closed systems. Capitalism is supposed to be the agent of democracy, yet it seems to lead unerringly in the direction of marketing snobbery. (In its somewhat raffish way, Sotheby's has tried, with varying success, to cash in its acquired snob appeal directly by marketing various articles, such as cigarettes, under its name.) A quality like expertise is inherently democratic because it cuts through all mystique to artistic value, aesthetic and historical, and yet, in a bewildering twist, it ends up reinforcing the silliest aspects of snobbery — even turning snobbery into a commodity in itself. A possible moral: Sotheby's survived, and thrived, because it was never fooled by the snobbery it marketed. Expertise immunized it, as did frank knowledge of its own skullduggery. Robert Lacey does not probe these paradoxes, but his tale, well told, takes us through the territory.

FOLLOW IN FAMOUS FOOTSTEPS ...

The *Monthly* is seeking applicants for fall/winter interns. Internships involve all aspects of magazine production, business, writing, editing, and design, and are unpaid. Past interns have gone on to careers at *The New York Times*, *The Wall Street Journal*, the *Los Angeles Times*, *The Washington Post*, *U.S. News & World Report*, *Newsweek*, *The New Republic*, *Slate*, the State Department, and the White House. Applicants should send a cover letter, resumé, and writing samples to: Lisa Motter, *The Washington Monthly*, 1611 Connecticut Ave., NW, Washington, D.C. 20009, or fax us at 202/332-8413.

INTERN AT THE MONTHLY

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Tidbits & Outrages

What kind of message does this send other aspiring entrepreneurs?

A gang of California rappers was arrested for robbery after recording a song describing an actual bank heist being investigated by police. The gang allegedly used the stolen money to start its own record company.

Welcome to the New South Africa

A man claiming to be a witch doctor was shot in the foot by a South African businessman after threatening to throw poisonous snakes at the businessman.

I guess we know who Jerry's guests will be next month

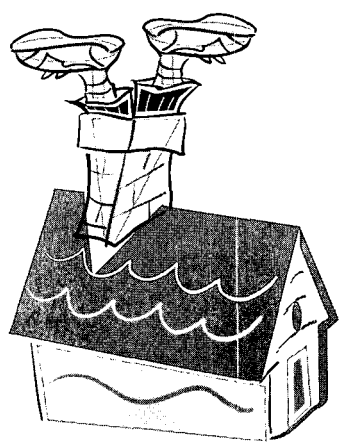
Two New York six-graders beat their teacher for refusing to let the girls watch "The Jerry Springer Show" in class.

Do they get paid for the exercise?

Dancers for the English National Ballet [illegible] sex [illegible] performance of Romeo and Juliet [illegible] the show.

Keep it up, guys!

The Church of England has seen the value of its stock holdings in Pfizer pharmaceuticals nearly double in the last six months thanks largely to the strong sales of Viagra.



ART: RENEE WINFIELD

Sometimes you just gotta have it

Police called to investigate late-night noises at a Fort Worth home discovered a 17-year-old boy lodged in the chimney. The boy was trying to sneak into the house to visit his girlfriend.

Downsizing down under

An Australian fishing boat captain has been sentenced to nine months in jail for throwing a crewman overboard into a group of feeding sharks because the young man had not caught enough fish.

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Political Booknotes

Stuck in the '70s

by Jonathan Rauch

I GREW UP, IN THE 1970S, gulping down books with titles like *Taming the Giant Corporation* and *Corporate Power in America.* In those days, it seemed obvious that American government and American conservatism were both front groups for corporate oligarchs. General Motors was a sovereign economic state, imperious and impervious. "If they wanted to wipe out everybody by 1980," one American Motors executive said of GM in 1976, "the only one who could stop them is the government." We all know how that story turned out.

WASHINGTON ON $10 MILLION A DAY:
How Lobbyists Plunder the Nation
by Ken Silverstein
Common Courage Press, $22.95

Well, maybe not quite all of us know. Reading Ken Silverstein's new book, I remembered flares, leisure suits, and velour. "Today, the vast lobbying power of corporations and the wealthy has reduced the collective voice of average citizens to a faint din, barely heard in the corridors of power," he writes. Beneath the surface, he says, "the two parties stand for virtually the same thing, namely, corporate rule." Indeed, "when corporations come calling, Washington lawmakers toss the opinion of their constituents — and the public interest — out the window."

In 1998, to read a new book that is shocked — shocked! — by corporate influence peddling is a slightly odd experience, like attending a convention of anthroposophists. One admires the author's passion, but wonders if it could not be applied more usefully. Silverstein is certainly right to smell something rotten in Washington's cynical lobbyist-for-hire culture. But what? To read his analysis is to be reminded of what a pity it is that the American left has had nothing interesting to say about government for 20 years.

As it happens, Silverstein has written one of the better descriptions of postmodern Washington in action. He infiltrates a couple of Washington fund-raisers — good fun — and describes with wicked accuracy the devious machinations of modern "astroturf" lobbying (bogus grass-roots movements concocted by Washington consultants with computers and phone banks). Although he can't resist the urge to call military contractors "merchants of death" and anti-regulatory lobbies "the forces of darkness," he leavens his indignation with a welcome dash of mischievous humor ("Congress: Training Grounds for Real Jobs"). He should have included notes to show where his own reporting leaves off and other people's begins. Still, as a work of reportage, the book succeeds.

The trouble is that he writes from an analytical school that is still imprinted on 1970s populist-pluralism, in which the great democratic bazaar would act to reflect the public good, if only the corporate baddies and their vampiric K-Street minions could be prevented from corrupting the process. This view of Washington's problems is much like Dickens' view of industrialization: At bottom, the problem is moral. (A clue: Silverstein is co-editor, with Alexander Cockburn, of *Counterpunch*, described as "an investigative newsletter about power and evil in Washington.") The people need to take back Washington from its smarmy Heeps and brutal Gradgrinds.

To sustain this analysis, you need to believe that arrayed against the greedheads of corporate America is The Public Interest, and you also need to believe that it's obvious whose side The Public Interest is on. Silverstein is alarmed by the American Tort Reform Association, which he condemns as "a business-backed campaign that would shield corporations from product liability lawsuits arising from their sale of dangerous and defective products." Fair enough, I suppose; but does he, or anyone, imagine that the Association of Trial Lawyers of America, one of the fattest of the fat-cat lobbies, is a selfless tribune of the public good? He condemns private utility companies' legislative "assault on public power," but fails to mention that public power is a well-heeled and self-serving interest group in its own right. (The National Rural Electric Cooperative Association is renowned for its lobbying clout; it is headed by the ex-Congressman who used to protect its subsidies, and in the 1995-96 election cycle its political action committee gave $773,000 to about 360 congressional candidates.)

In truth, the great bulk of corporate lobbying is defensive, or at least is perceived that way by the people doing it. (Ask Bill Gates.) Interest groups and activists discover problems, some more real than others (the day-care crisis, the education crisis, the health-care crisis, the drug crisis, the tobacco crisis, etc., etc.), and invent proposals that energize dense swarms of lobbyists, who win no matter who else loses. Politicians gin up legislation (tax bills, highway bills, banking bills, health bills, etc., etc.) that keeps the lobbies circling past the toll booth, dropping in campaign contributions as they go. On and on the cycle goes, escalating as everyone counters everyone else's lobbying with more lobbying.

Because the problem is systemic rather than moral, it is no use to condemn corporate lobbies while exculpating the Sierra Club, the teachers' unions, or the trial lawyers. The problem is not that business dominates; it is that no one dominates, so no one can stop the cascade. Washington today is like a demented casino whose motto is a twisted variant of that state lottery slogan: "You can't win if you don't play — but, boy, can you lose." Unsurprisingly, everybody plays.

The left, which cares more than anybody about revitalizing government, should by rights be a fount of hard-headed thinking about the afflictions of American government. To

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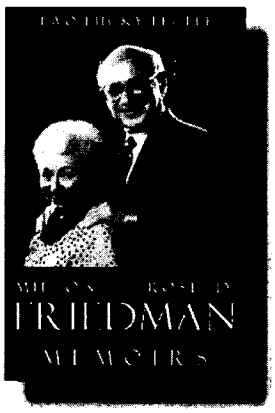

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become that, however, it will need to give up its comfortable melodrama of rapacious private companies bullying noble public institutions and stomping on plucky, underfunded citizens' groups. It will have to stop hunting for villains and see the system whole. Not an easy or a pleasant task, but might we hope that, in his next book, Ken Silverstein will start the project?

JONATHAN RAUCH *is national correspondent of* National Journal *and author of* Demosclerosis: The Silent Killer of American Government.

Shell Shocked

by Thomas E. Ricks

LATE IN THE CIVIL WAR, SGT. Erastus Holmes, a quartermaster in the 5th Indiana Cavalry, was captured and held in the notorious Confederate prison camp at Andersonville, Georgia. After the war Sgt. Holmes returned home weighing 85 pounds, about half his normal weight, and ill both in body and mind. In his backyard he constructed a facsimile of the Andersonville prison, with "the stream of water and every hill and stump," his son-in-law later said. By night he ate incessantly. Finally he was committed to the Indiana Hospital for the Insane in 1885 and remained there until his death in 1910.

SHOOK OVER HELL: Post-Traumatic Stress, Vietnam, and the Civil War
by Eric T. Dean Jr.
Harvard University Press, $35

He was not alone. John Britton suffered chronic insomnia and would sometimes disappear into the woods. William Guile roamed his house at night wielding a hatchet. Raney Johns climbed up on his father's roof and cried that the Rebels were after him. Ellen McKinney took her children away from home every day at dusk, returning only at daylight, for fear of their father's violence. And so on, from crippling anxiety and crying spells to social numbing, paralyzing flashbacks, and violent outbursts.

The argument of this interesting but frustrating book is that the Civil War veteran in fact suffered "a wide range of psychological and social problems" that generally haven't been recognized by historians or held in the national memory. The core of the book is data the author gleaned by examining the records of Indiana asylums from 1861 to 1919. The author concludes that "these men did indeed suffer from what we would today think of as PTSD" — that is, the "post-traumatic stress disorder" frequently associated nowadays with troubled veterans of the Vietnam War.

Shook Over Hell makes a real contribution to our understanding of the Civil War, and that is no small achievement. But it isn't a very good book, for three reasons. First, the moving historical material is sometimes swamped in unreadable, jargon-laden discussions of methodology that should have been relegated to the internal exile of an appendix.

More importantly, its comparisons with the Vietnam veteran are tendentious, simplistic, and irritating. The author's empathetic portrayal of the Civil War vet is soured by his pissing on the Vietnam vet, who is depicted as a softie and a whiner. This violates one major rule laid down by veterans' counselor Jonathan Shay in his brilliant book *Achilles in Vietnam*, a compassionate study of how poor military leadership in that war increased the combat trauma of those who served. Don't get into comparative suffering, Dr. Shay insists: Combat trauma is painful, and all of it is far too genuine for one person's suffering to be denigrated as somehow less real than another's. I was surprised to find no indication in this book that Dean is even aware of Shay's important work.

But what I finally found most disappointing in *Shook Over Hell* was the lack of connection to American history. Nowhere does the author step back to try to trace the effects of Civil War trauma on American life after that war. How did this trauma shape the settlement of the West? How many gunslingers came out of the Civil War, still socially numbed and prone to violence? (A tantalizing hint of this comes late in this book when the author refers in passing to the sense of unsettledness that led some vets to lives of wander-

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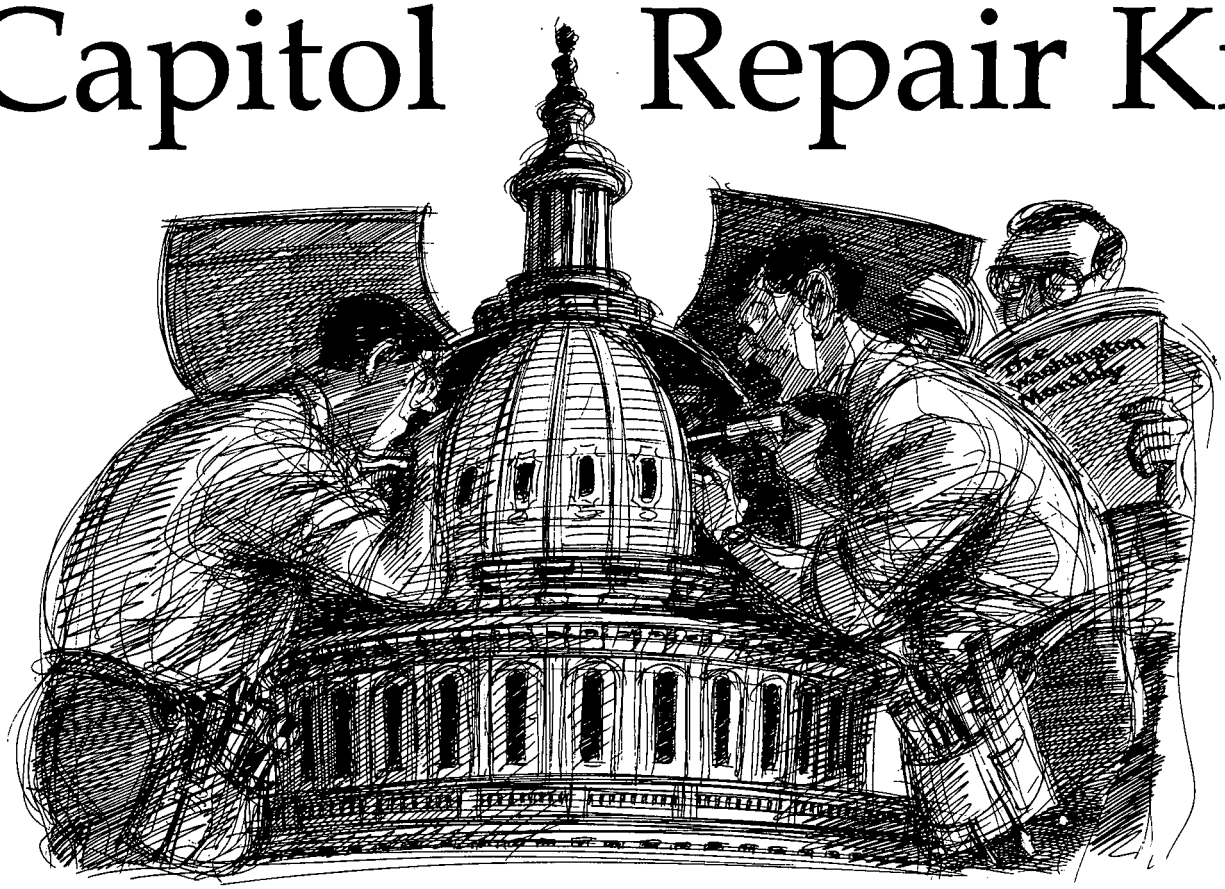

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ing, with one drifting across the high plains.) How was the behavior of the U.S. Army itself in the West — its high suicide rate in that era, its treatment of the Native American population — affected by the traumas that some of its people suffered? Perhaps Eric T. Dean Jr. will address some of these questions in his next work.

THOMAS E. RICKS *is author of* Making the Corps, The Washington Monthly's *1997 "Political Book of the Year."*

Guilty Mothers

by Ann O'Hanlon

DO MOTHERS WHO WORK DO so to the detriment of their children? Can toddlers who grow up with full-time, quality day care do as well as their peers who had full-time moms? The debate is nearly as acrimonious as the argument over abortion. And as in that argument, each side in the working-moms debate appeals to emotions, insisting that the issue is clear and obvious, if only you see it from their side.

Susan Chira, an editor with *The New York Times* and a mother of two, sets out to add an authoritative voice to the working-mother side. Her arguments are most compelling when she speaks with a mother's voice, painting an emotional picture framed by popular culture and its images of working motherhood. Her reporter's voice is more nuanced and less riveting, but she uses the combination to tackle a daunting breadth of issues: popular culture, fatherhood, public policy flaws, biased studies, the role of poverty in motherhood and child care issues, the morale of women who stay at home and how that affects their children.

Chira opens with an intimate autobiographical prologue, taking us quickly through her lifetime highlights of angst as they relate to work versus relationships. When Chira's two children are born she delves into the reality of day care. (She and her husband hire a nanny, who is still with the family after seven years.) Throughout the book, we meet working women, mainly blue-collar, who share their schedules, their economic need to work, and their guilt.

Section one focuses on what popular culture tells us about motherhood, from movies like "Mrs. Doubtfire" and "This Is My Life" to Benjamin Spock and Penelope Leach, authors of the baby care books her friends recommended. The message is insistent and without subtlety: Work, and your child suffers.

The next section is rich with data and social science. Chira dissects "attachment theory," which professes that mothers who work early in their child's life threaten that child's self-esteem and sense of trust. She challenges studies that do not probe all factors before linking children of working mothers to lower achievement. She may, however, be overstating her case in this section. She asserts that day care is under "a stepped-up assault," but offers four examples, each at least a decade old, as evidence. Then she cites a landmark and ongoing study by the National Institute of Child Health, which has hopeful news about children of working mothers.

A MOTHER'S PLACE:
Taking the Debate About Working Mothers Beyond Guilt and Blame
by Susan Chira
HarperCollins, $25

By the end of this section, the message about day care still seems confusing. Children of working mothers can do fine, some prominent theorists insist, but their colleagues disagree. Much hinges on quality day care, which is hard to find.

Enter part three, which delves into public policy. If good day care is what it's about, why can't we as a nation create better day care standards and funding? Here Chira takes on a bevy of public policy issues, from custody battles that are progressively tougher on working women, she argues, to welfare reform and family tax relief. She must be applauded for addressing nearly all issues that touch working mothers and day care, but the book also loses a feeling of focus here.

Lastly, there is a chapter about the future and where the author hopes society will take its vision of fatherhood and motherhood. Again, we hear more of Chira's own voice. "My bond with my children endures although I am not the good mother of song and story," she writes. "Countless other mothers have learned that, too. So why can't we refute with more passion and conviction the distortions of the Jeremiahs around us? Because they speak to that deep, dark place where the ideal of the good mother lives inside all of us."

Sprinkled throughout the book are interesting thoughts, quotes, and anecdotes. For example, Chira describes in the heart of the policy section how her colleague Nathaniel Nash, a father of young children, died in a plane crash while she was writing the book. Another colleague, whose own father had died when he was an infant, eulogized Nash, saying his deceased father had lived on in his mind, shaping his ideals and leading him to his career. "We allow fathers this power from a distance, even death," she writes, "but we say that mothers forfeit it if they spend eight to ten hours a day apart from their children." Even when the book becomes too dense or complex, such nuggets pop up to keep you reading and thinking.

ANN O'HANLON *is a "Metro" reporter with* The Washington Post

Brass Reforms

by Patrick J. Sloyan

FORMER SEN. GARY HART'S new book sent me rummaging through an old trunk for evidence: Just over the left pocket of my shrunken Ike jacket is a faded ribbon. There is official Army nomenclature for this commendation, but for those of us who earned it for our required military service between 1955-57, it was known as the Suez Sweat Medal. Nasser had seized the Canal. British and French troops were parachuted into Egypt. We in the 10th Mountain Division feared being yanked from the warmth of our West German kaserns for war in the desert. The Suez Sweat Medal is proof Hart is a bit off base when he says the United States never opted for conscription

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during the Cold War. Hey, we were forced to live in *Würzburg* for two years, come to grips with *Franken wein*, and learn enough *Deutsch* to deal with the *frauleins*.

There are plenty of factual clinkers in *The Minuteman: Restoring An Army of the People*. That includes the book's title. There is no call for reactivating the compulsory military service that once provided the only meaningful link between young Americans and the federal government. That's not to say that some form of national service — military or not — couldn't be an unforgettable lesson in citizenship for Ivy Leaguers as well as those bruised by ghetto life. But Hart, who sought a student deferment when the draft sought him out in the late 1950s, seems strangely ignorant of the successes of millions of Americans who had their lives squared away by the First Sergeant and their civilian careers launched by the GI Bill of Rights.

To be fair, Hart is at least instigating a serious dialogue about the shape of the defense establishment outside the confines of the Pentagon, which is more than can be said for most politicians who shunned military service. But Hart's vision has been distorted by his top-down view of the services. For the reality of the barracks today, Hart leans on retired officers who collectively have 13 stars and the baggage of being a general officer. They have brainwashed Hart into investing billions in Pentagon hardware. For instance, Hart wants more "lift," to fly troops to distant wars. Yet 90 percent of U.S. troops flown to the 1992 Persian Gulf war arrived on commercial airliners that were readily available for Pentagon leasing.

Hart's call for an American military peopled by citizens who will bring democratic ideals to the war machine implies that today's force consists of mercenaries, those scarred fugitives who filled out the ranks of the Foreign Legion. Yet the fact is that today's military failures have little to do with good citizenship (or the lack of it) by men and women in service. Instead, the failures Hart repeatedly cites flow from decisions made in the White House and supported by Congress. President Clinton's ignorance and incompetence produced the 1993 massacre of American Army Special Forces and Rangers in Mogadishu, where they also massacred at least 800 Somalians in a single day. Then and now, Clinton remains aloof from national security matters, despite his role as Commander-in-Chief. He has delegated military policy to William Cohen who, as did Clinton, avoided military service during Vietnam. Their national security policies are overseen by two men who also ducked the Selective Service: Speaker Newt Gingrich and Senate Majority Leader Trent Lott.

Clinton and Hart worked in the 1972 presidential campaign of Sen. George McGovern, which was, in fact, an antiwar, antimilitary crusade. President Nixon gave short shrift to the Pentagon. It was one of the worst times for the military services. Officers were routinely killed — "fragged" — by their troops in Vietnam. Wholesale draft dodging meant only the most hopeless and most desperate where being inducted for active duty. The reserves were filled with draft dodgers with political connections such as Dan Quayle. It was not uncommon for a man in uniform in his hometown to be jeered or even spat upon.

THE MINUTEMAN:
Restoring an Army of the People
by Sen. Gary Hart
Simon & Schuster, $23

In this book, Hart bills himself as a reformer, just as he did during his campaigns for the presidency. But his plan to shrink the active duty military in favor of a larger, more competent reserve force is hardly a reform. Hart has joined the top brass in sacrificing people for hardware. "Modernizing," is the Pentagon mantra, despite an excess of rifles, tanks, planes, and ships superior to anything possessed by a potential enemy.

The long ball Hart hits is his observation that so little thinking has been done about the defense program that still takes the largest slice of federal income tax dollars. "Given radical changes in

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the post-Soviet security environment," he writes, "the absence of any deeper debate over the long-range meaning and military demands of our national security is remarkable, if not dumbfounding," Hart says. "There is little evidence of any vision."

Even though the Pentagon spends billions on research every year, there is little original thought from its string of think-tanks and university professors. Someone such as Harold Brown, defense secretary under President Jimmy Carter, should organize a really Deep Think. Otherwise, the men and women who are the military will continue to be whittled away willy-nilly by a national political leadership who share one area of military expertise: They know how to evade military service.

PATRICK J. SLOYAN, *the senior correspondent for* Newsday's *Washington Bureau, won the Pulitzer prize for his coverage of the 1992 Persian Gulf war.*

The Wrong Battle

by Joshua Wolf Shenk

IN THE SAME STRANGE WAY that pet owners resemble their animals, advocates of the war on drugs bear an uncanny likeness to the drug users they deplore. If you have ever seen William Bennett, slumped into a chair on the set of "Nightline" or "Charlie Rose," his body weary from too many cigarettes and his eyes gleaming with venom, you'll understand this intuitively. He and his compatriots are forever tired because they are seeking a nirvana that will forever elude them. The compulsive drug user is locked into the same sad cycle.

And so, it pains me to say, are those of us who study drug policy and advocate its reform. It's clear to me that the drug war does more harm than good: locking up addicts without decreasing their number, handing the drug trade to criminals without denting its size, and wasting prison space on users whose crimes have no victims other than themselves. I also think that if Americans could look past the distortions of people like Bennett (who use drug-related violence, a creation of prohibition's black market, as a reason to escalate the war) and could see drug users for what they are (deserving of understanding and help rather than punishment), they'd agree with me.

But the question I think about most these days is not how to create a better system but why that's so unlikely to happen. It is pretty silly to talk about dismantling prohibition when there is such stasis on measures far less bold and so desperately necessary as, say, medical marijuana and needle exchange. These two issues prove that officials will tolerate any amount of suffering in the name of "protecting the children."

You might expect that drug policy reformers would be cynical, and they are. But the cynicism is always laced with hope, as Mike Gray shows in the conclusion of *Drug Crazy*.

DRUG CRAZY:
How We Got Into This Mess and How We Can Get Out
by Mike Gray
Random House, $23.95

What makes people like Gray optimistic? He cites the blessing of medical marijuana use by voters in California and Arizona and the advent of the Internet, which allows for widespread dissemination of modern day versions of the 1972 Shafer report. That study, commissioned by Richard Nixon to document the dangers of marijuana, instead concluded that it didn't cause crime, was less dangerous than alcohol, and ought to be decriminalized for personal use. Nixon promptly buried it.

It's telling that this is the best Gray can come up with. True, the Internet is a terrific tool for organizers. But I don't expect it will be long before the Partnership for a Drug Free America has a presence a thousand times more widespread than the Lindesmith Center or the Drug Reform Coordination Network. And the referenda in Arizona and California, to my mind, aren't a sign of hope but of gloom: It turns out that the drug czar and Justice Department can override state law by fiat anytime they believe the citizens of that state made a bad decision.

The error that Gray makes — and I'm sympathetic because I make it often — is in believing the correct position will eventually win the day. The truth is that we are not just galaxies away from real reform; we're moving in the wrong direction. The most recent argument in Washington over drug policy is illustrative. House Speaker Newt Gingrich angrily denounced President Clinton's drug policy as "the definition of failure." The reason? Clinton has promised to cut drug use in half by 2007. Gingrich's promise: to do the job in four years. "Once America got involved," he says, "it took our country just four years to win the Second World War — the greatest military effort the world has ever seen. In the Civil War, it took just four years to save the Union and abolish slavery."

Both the president and the Speaker, of course, are down Alice's rabbit hole in believing they can cut drug use so dramatically. But with a midterm election near, expect to see something close to the package Gingrich is proposing — doubling interdiction budgets, eliminating school loans for convicted drug users and dealers, coaxing states to drug test kids who apply for driver's licenses, and so on — adopted by the end of the summer.

How did we get to this point and why am I so pessimistic about the chances for change? The first reason is that warriors believe they're helping the people they're hurting. Violent drug gangs are a creation of the black market, specifically of the spectacular profits of the illegal drug trade. (Estimates are that Americans spend between $40 and $50 billion a year on illegal drugs.) To counter this trade, police stalk poor areas like an occupying army. Second, drug prohibition weighs on a group of people whose lives, sadly, mean very little to the powers that be. I'm talking here not just about addicts, low-level dealers, or innocent bystanders in the inner city, but also about a group of people who can never vote because they aren't even Americans. Gray's book is an excellent primer on the consequences of the American drug war on countries like Colombia and Mexico. The violence and corruption there is breathtaking, and if you've become inured to the constant reports, consider the work of

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a single individual named Pablo Escobar. As head of the Medellin cartel, Escobar engineered the assassination of 11 Colombian Supreme Court justices and a leading candidate for the presidency, as well as an all-out war that included the dynamiting of nine banks in a single day and the slaughter of the wives of police and army officers as they shopped for groceries.

Escobar was eventually killed and the demise of his cartel was considered a major coup in the international drug war. He was quickly replaced. Moreover, the Americans' pressure on Colombia ended up shifting much of the drug trade to Mexico, which is now enduring similar terror.

The final reason for pessimism is the most obvious one: The drug war makes great politics. It would be nice to think that we've progressed way beyond the beginning of the century when arguments such as, "Cocaine is often the direct incentive in the crime of rape by the Negro" convinced a country to make the substance illegal and similar warnings about the Mexicans and the Chinese led to bans on marijuana and opium. Racial animosity was just a stand-in for the real impulse of the drug crackdown, which is fear of the Other. Of course there was a rational impulse too, as people can do themselves real harm with all sorts of mind-altering substances. But the drug war has never been primarily rational. Mike Gray shows as much in Drug Crazy, which is passionate, thoughtful, and unsettling. I hope that the book makes a difference but, because of the very forces described therein, I don't suspect it will.

JOSHUA WOLF SHENK, *a contributing editor of* The Washington Monthly, *is a writer living in New York City.*

Lives In Exile

by John Martin

AESCHYLUS REMARKED 2,400 years ago: "I know how men in exile feed on the dreams of hope." If the Greek dramatist could read Lawrence Weschler's vivid new portrait of three political exiles in this century he might change the sentiment to read: "how exiles starve on dreams of despair."

Each of Weschler's exiles sips the elixir of intrigue: By stealth, an Iraqi uncovers and publishes damning details of Saddam Hussein's repression; in a dozen ingenious ways, a Czech smuggles supplies and documents to the underground; in disguise, a South African slips into his native country on a clandestine mission. Ultimately, all three taste the bitterness of failure. Each of their experiences becomes, in Weschler's hands, a novella.

Such was the life of the American exile Eldridge Cleaver, whose death revived an image from my earliest days as a reporter watching the rise of the Black Panthers in California as well as Cleaver's flight into exile. One afternoon in 1967, a dozen Panthers pulled into a gas station near the state capitol in Sacramento. They were exultant, having just carried guns into the legislature to protest their treatment by police in Oakland. Alerted by radio calls, a photographer and I positioned ourselves beside the pumps. Just then, several squad cars pulled up and police officers jumped out, hands on their guns.

Suddenly I realized we were in the line of fire from both sides. "Gonna call the office," I said, nervously, "tell 'em what's goin' on here." I sprinted to a pay phone up the street. This took me safely out of range. Soon, several Panthers were in custody on gun charges and I had missed the birth of the Panthers and their Minister of Information, Eldridge Cleaver, as national symbols of radical black defiance.

Gifted as a writer and helped by friends in the white publishing community, Cleaver was a paroled convict who could have settled into a comfortable role as an author but chose activism. He stood for principle against injustice, for action instead of compliance. Despite his criminal past, Cleaver seemed genuinely transformed by the effort to win equality and respect for blacks.

In 1968, facing charges of attempted murder and parole violation, he fled overseas. In exile for nine years in Cuba, Algeria, and France (during which he broke with the Panthers), he suffered disorientation and despair. On his return, he began a period of repu-

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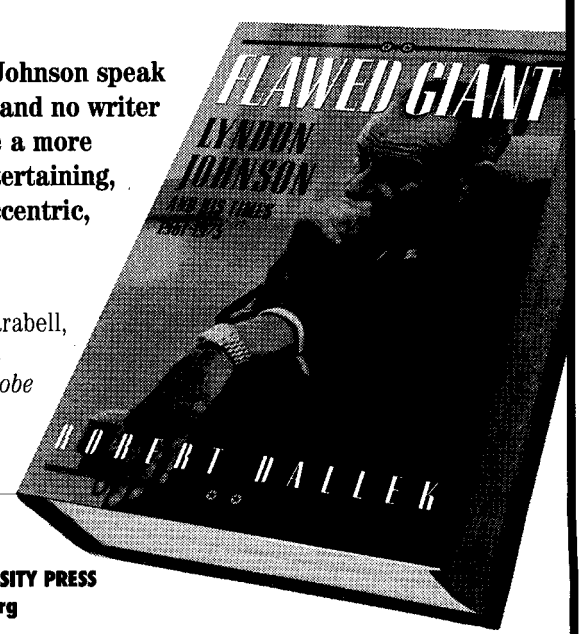

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diation. He became a born-again Christian, and then, for God's sake, perhaps, declared himself a conservative Republican.

Lawrence Weschler's *Calamities of Exile* is an account of three men living on the same perimeter between politics and revolution, facing the same tumultuous pressures as Cleaver. Each man chose to follow the courage of his convictions rather than submit to the gravitational pull of family and convention that would keep most of us on the sidelines.

Iraqi architect Kanan Makiya, working in London, documented and indicted the reign of terror under Saddam Hussein. Writing under the pseudonym Samir al-Khalil, he published the book *Republic of Fear: The Politics of Modern Iraq*, which appeared in 1989, before Iraq invaded Kuwait. Publication not only placed Makiya at odds with his father, a master architect drafted by Saddam to refashion the capital, but drew enraged attention from the authorities in Baghdad, causing him to fear for his life.

CALAMITIES OF EXILE:
Three Nonfiction Novellas
by Lawrence Weschler
University of Chicago Press, $25

One calamity of Makiya's exile is that despite American military intervention, which filled him with hope, the refusal of the United States and its allies to dislodge Hussein has left his homeland in the grip of a tyrant. Makiya suffered further despair when Iraqi rebels committed atrocities in reprisal for acts of savagery by Saddam's troops, setting off new cycles of violence. "Iraq may well yet make Lebanon look like a Sunday picnic," Makiya says. "Hell, we could yet have another Cambodia on our hands."

Czech Jan Kavan fought to displace the Communist regime in Prague from London, where he had gone as a student in the 1960s. He made secret trips to Czechoslovakia, smuggled documents, equipment, and determination to members of the underground. Kavan marshaled support for their cause among international journalists, including Weschler, a *New Yorker* writer.

After the Velvet Revolution of 1989, Kavan won election to the new parliament, but suddenly found himself facing charges by the post-Soviet government that he collaborated with the former state security police. Enemies seized upon the secret files uncovered by the new government. Based on unsubstantiated revelations, many former allies in the underground, feeling betrayed for real or imagined failures, joined his accusers. "The campaign was proving dauntingly effective," Weschler writes. "Kavan's entire life was being splayed open and combed for intimations of treachery. The trouble was that, while much of this coverage was manifestly unfair, some of the revelations were profoundly disquieting, even to many of Kavan's most fervent supporters."

The charges stemmed from a long-forgotten meeting with a Czech diplomat in London. Kavan sought embassy reimbursement for money improperly confiscated by immigration officials as he was leaving Prague to study at Oxford. The diplomat secretly recorded Kavan's observations during occasional meetings over the years. When partial records were recovered at police headquarters (others had been destroyed), Kavan appeared to have been an agent of the state.

After five years of recrimination by enemies and fading belief by supporters, Kavan was able to clear his name, partly by producing testimony by the diplomat: "I did not, at any time try to recruit Mr. Kavan for any collaboration with the secret police. ... I never mentioned to him during our meetings anything about my other [secret police] role in the Embassy."

In the concluding novella, Weschler profiles Afrikaner poet Breyten Breytenbach, who abandoned Paris in 1975 to join an underground group opposing apartheid. His entry into armed struggle was an immediate flop: He was arrested and imprisoned by the white South African state. The ordeal nearly broke his spirit by the time of his release in 1982.

As his country's most gifted and celebrated writer in Afrikaans, Breytenbach was a thorn in the side of the regime. But his celebrity status and family ties forced him to suffer excruciating pressures and temptations to renounce his opposition. He was given glimpses of his wife and parents, a prison visit by a brother who commanded an elite South African military unit engaged in secret operations in other African countries. His guards mounted a psychological campaign that was especially cruel: He was permitted to write each day but never allowed to retain the manuscripts, nor were they returned to him during his imprisonment. Breytenbach described it as "'a singing death ... writing took on its pure shape, since it had no echo, no feedback, no evaluation, and perhaps ultimately, no existence.'"

One of Breytenbach's poems, written to his mother (whom he feared would not survive his imprisonment) was withheld until after her death:

> and now you are old,
> saturated with love and
> young forever.
> like a fruit tree in the soil:
> I bear your bones in your
> careening blood.
> and the sing-song sounds
> of your throat:
> *oh mother, bless me before*
> *you go!*

Weschler's gift as a reporter is to pull out of each episode the doubts and contradictions each exile faced. He helps us understand the quandary in a totalitarian or oppressive society: "[T]he decent, if somewhat weak, man [is] faced with the terrible dilemma of whether to risk his livelihood and his family's well-being by finally taking a principled stand in opposition to ... state travesty."

Often the stand merely involves signing a petition — or refusing to sign. Weschler's subjects did far more. Like Cleaver, they attempted to mount public, even armed opposition, something we all might attempt, as the book jacket says, "if only we were much more courageous than we are."

Looking back on that day in Sacramento, I remember how little courage I showed in the line of fire. *Calamities of Exile* is convincing evidence that taking on an oppressive government is infinitely courageous.

JOHN MARTIN *is a national correspondent for "ABC News."*

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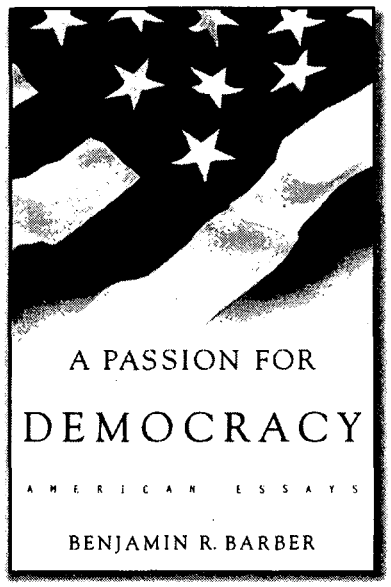

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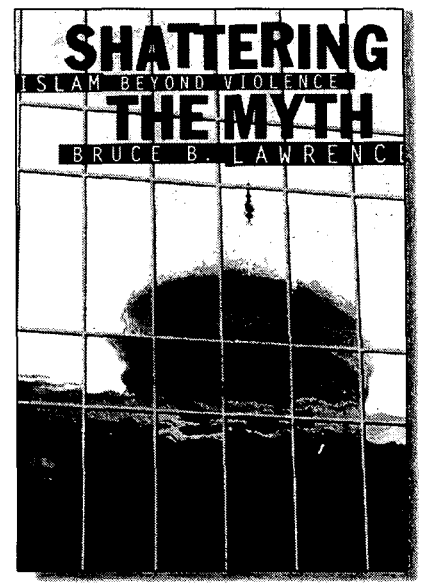

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